

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 26 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

(Gov. Code 11380.2)

MAY 26 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: May 26, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 26 1972

At 4:05 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-133.5
44-133.51
44-133.52
44-133.522

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On September 24, 1971, regulations implementing the provisions of Section 8.6 of the Welfare Reform Act of 1971 were adopted by the Director of Social Welfare.
2. On January 25, 1972, such regulations were refiled on an emergency basis to preserve the issues involved in the case of Camp, et al. v. Carleson, et al.
3. On March 1, 1972, portions of such regulations were revised and filed to implement the modified preliminary injunction issued in Camp et al. v. Carleson, et al.
4. In order to permit counties to continue the determination of available stepfather income in AFDC cases in a manner consistent with the Welfare Reform Act of 1971 and the modified preliminary injunction issued in Camp, et al. v. Carleson, et al., it is necessary to adopt the above revisions on an emergency basis.

The revisions filed above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME – AFDC (Continued)

44-133

AFDC .5 Stepfather's Income

- .51 When the stepfather is included in the family budget unit (see Sections 44-213.3 and 44-213.4), his net nonexempt income is net income to the family budget unit for purposes of both eligibility determination and grant computation.
- .52 When the stepfather is excluded from the family budget unit but his wife requests that her needs, or the needs of any of his children, including their children in common, be taken into consideration in determining the eligibility of, or in computing the amount of aid payment for her eligible children, the county must determine his ability to support these persons and himself on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-212.1). Allow the deduction from earnings from work expenses in accordance with Section 44-113.23 but do not allow earned income exemption.

44-133 TREATMENT OF INCOME – AFDC (Continued)

44-133

AFDC

- .522 If his income does not meet their combined need, include in the family budget unit his wife and his children for whom she requests aid for purposes of eligibility determination and include only his wife for purposes of grant determination. Net income to the family budget unit from the stepfather shall be computed as follows:
- a. The wife's community interest in the stepfather's income as computed in .521 above; plus
 - b. The remainder after subtracting the following amounts from his gross income
 - the amount computed in a. above
 - work-related expenses in accordance with Sections 44-113.23,
- his needs, and those of the members of the stepfather unit who are excluded from the family budget unit, computed on the basis of the standard of assistance (see Section 44-212.2). For purposes of this section the stepfather unit is the stepfather plus his children, including children he has in common with his wife who are not included in the FBU.

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These regulations do not contain any building standards.

Finding of Emergency

The revision of the following regulations are an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

| | | |
|-----------------|----------|----------|
| Revise: Section | 44-115.6 | 10-225.2 |
| | 44-203.2 | 10-225.3 |
| | 44-212 | |
| | 44-213.3 | |
| | 44-213.4 | |
| | 44-217 | |
| | 44-221 | |
| | 44-265 | |
| | 44-267 | |
| | 44-269 | |
| New: Section | 44-115.8 | |
| | 44-115.9 | |
| Repeal: Section | 44-266 | 44-278 |
| | 44-268 | 44-279 |
| | 44-270 | 44-280 |
| | 44-272 | 44-281 |
| | 44-274 | |
| | 44-276 | |

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statute of 1971) included revisions to Welfare and Institutions Code Section 11450 relating to the computation and payment of AFDC grants.
2. On September 30, 1971, the California Supreme Court stayed the operation of Section 28 of the Welfare Reform Act of 1971 as it affected Subsection (a) of Section 11450 of the Welfare and Institutions Code.
3. On October 5, 1971, emergency regulations were filed to implement the provisions of the Welfare Reform Act of 1971 relating to the computation and payment of AFDC grants consistent with the September 30, 1971, order of the California Supreme Court.
4. On January 10, 1972, the California Supreme Court issued a Preemptory Writ of Mandate directing that the computation and payment of AFDC grants be consistent with the Court's decision in the case of Virginia Villa v. Hall and mandating the director to promulgate regulations consistent with the Court's decision in this case.
5. On January 28, 1972 emergency regulations were filed to permit implementation of a system for the computation and payment of AFDC grants consistent with the decision of the California Supreme Court in Virginia Villa v. Hall.
6. On April 11, 1972, the United States Supreme Court issued an order staying the decision of the Supreme Court of California in the case of Virginia Villa v. Hall. The effect of that order was to require the implementation of Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971.

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7. On April 20, 1972 emergency regulations were filed to implement Welfare and Institutions Code Section 11450 in a manner consistent with the order of the United States Supreme Court.
8. In order to permit counties to continue the computation and payment of grants in a manner consistent with the intent of the Welfare Reform Act and the stay order of the United States Supreme Court in the case of Virginia Villa v. Hall, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC | .6 Nonneedy Relatives

Natural or adoptive parents, stepfathers, or adults whose needs are met through any categorical aid program shall not be considered to be nonneedy relatives for purposes of this section.

.61 Treatment of Contributions

.611 The excess of the in-kind income value for housing and utilities (see .9 below) included in the minimum basic standard of adequate care figure (Section 44-212.2) for the appropriate size Family Budget Unit over the increased cost of housing and utilities to the nonneedy relative caused by the presence of the AFDC child(ren) in his household shall be considered a contribution in-kind to the Family Budget Unit.

.612 If the nonneedy relative wishes to contribute to the support of the child(ren) in his care in excess of the amount computed in .61 above, he may do so by either identifying the need items to be contributed using .8 below or by specifying an exact dollar amount to be contributed. Any amounts so specified are considered net income to the AFDC child(ren).

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

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AFDC | .8 One or More Recipients of AFDC Resides in the Same Household with One or More Recipients of Adult Aids

.81 When the above situation exists, if the recipient's (Adult Aid or FBU) housing and utilities allowance exceeds his share of the actual cost of housing and utilities (including telephone), the excess shall be considered in-kind income and taken into consideration in computing the grant.

.82 Each recipient's share shall be calculated by dividing the total actual cost of housing and utilities (including telephone), by the number of persons (adults and minors, needy and nonneedy) residing in the household.

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AFDC

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

9 For purposes of this section, the following shall be considered as the in-kind income value of certain items of need for an FBU:

.91 Housing

- a. one-person FBU — \$55/per month
- b. two-person FBU — \$74/per month
- c. three-person FBU — \$81/per month
- d. four-person or larger FBU — \$86/per month

.92 Utilities (including telephone):

- a. one-person FBU — \$12/per month
- b. two-person FBU — \$13/per month
- c. three-person FBU — \$14/per month
- d. four-person or larger FBU — \$15/per month

.93 Food

- a. one-person FBU — \$29/per month
- b. two-person FBU — \$65/per month
- c. three-person FBU — \$83/per month
- d. four-person FBU — \$103/per month
- e. five-person FBU — \$124/per month
- f. six-person FBU — \$145/per month
- g. seven-person FBU — \$161/per month
- h. eight-person FBU — \$177/per month
- i. nine-person FBU — \$193/per month
- j. ten-person or larger FBU — \$209/per month

.94 Clothing — \$9 for each person per month

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44-203 DEFINITIONS - NEED (Continued)

44-203

AB .2 Minimum Needs - Definition

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AFDC

Minimum needs are needs common to all recipients living in like circumstances as set forth in Sections 44-207 through 44-212. Minimum needs and the amounts required to meet such needs differ according to living arrangements.

44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE

44-212

AFDC .1 Definition - The minimum basic standard of adequate care is set forth in W&I Code, Section 11452, as the amount which is necessary to provide a Family Budget Unit with the following:

- .11 housing
- .12 clothing
- .13 food
- .14 utilities
- .15 items for household operation, education and incidentals, recreation, personal needs, and insurance
- .16 essential medical, dental, or other remedial care not otherwise provided at public expense
- .17 recurring special needs not common to a majority of recipients

- .2 The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU
(per 44-213.3 and .4)

Minimum Basic Standard of
Adequate Care

| | |
|----|-------|
| 1 | \$125 |
| 2 | 210 |
| 3 | 255 |
| 4 | 314 |
| 5 | 362 |
| 6 | 408 |
| 7 | 449 |
| 8 | 496 |
| 9 | 543 |
| 10 | 590 |

plus \$5 for each additional needy person

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44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC | **3** Needy Persons Living In The Home Who Shall Be Included As "Recipients" In The Same Family Budget Unit, Unless EXCLUDED By Section 44-213.5

- .31 Children — all related eligible unmarried children, including the unborn child, for whom aid is requested by the child's parent or relative caretaker.
- .32 Parent — the eligible child's natural or adoptive parent who requests aid on behalf of the child,
 and
- .33 Parent's Spouse — the spouse of the eligible child's natural or adoptive parent when the basis for deprivation is the incapacity of a natural or adoptive parent, or the unemployment of the natural or adoptive father (who meets federal conditions in Section 41-440.5), living in the home, or if there is no parent living in the home.
- .34 Relative — the needy adult relative, as defined above, other than a parent, who provides care and supervision of the eligible child.

4 Other Needy Related Persons Living in the Home Who May Be Included As "Nonrecipients" In The Same Family Budget Unit With Eligible Children, Unless EXCLUDED By Section 44-213.5 for Purposes of Determining Financial Eligibility under Chapter 42-300

- .41 Upon the written request of the parent, or the caretaker if neither parent is living in the home, the following persons living in the home, if needy, shall be members of the Family Budget Unit and shall have their needs and income taken into consideration in determining the financial eligibility of the family.
- .411 Unmarried brothers and sisters of the eligible child, including half- or stepbrothers and stepsisters.
- .412 The eligible child's stepparent, when the child is deprived by the absence or death of a natural or adoptive parent.
- .413 The eligible child's other unmarried parent.
- .414 An adult relative, as defined in Section 44-213.21, other than the parent's spouse, whose presence is required to provide care and supervision that cannot be given the eligible child by the only parent living in the home due to the parent's incapacity.
- .42 Persons included in the Family Budget Unit under provisions of Section 44-213.41 for purposes of determination of financial eligibility shall not be included in the Family Budget Unit for purposes of grant computation.

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44-217 SUBSTANDARD HOUSING

44-217

AFDC .1 Assessment of Adequacy of Housing

It is essential that every reasonable continuing effort be made to assist such families secure and maintain housing meeting minimum standards of safety and decency. The county shall, as an integral part of its intake and continuing services, assess the adequacy of housing occupied by the family. The assessment shall be made in accordance with a guide developed by or with the local authority responsible for enforcing the standards of the Division of Building and Housing Standards, Department of Housing and Community Development.

.2 Help to Families in Substandard Housing

When the assessment of housing by the county welfare department indicates the need for improvement of the family's housing standard, consultation shall be provided to the family and a plan worked out with them for improving the housing. Where necessary, the county welfare department shall assist the family in making arrangements with the landlord to improve housing or in locating better housing elsewhere.

.3 Referral to Local Housing Enforcement Agencies

When the county welfare department's assessment of housing indicates probable substandard housing and no workable plan for improvement can be arranged within 30 days, referral to the local housing enforcement agency shall be made and a report requested as to whether or not housing meets the standards.

.4 Continuing County Responsibility

If housing is determined to be substandard by the enforcement agency, the county welfare department has a continuing responsibility for helping the family secure standard housing.

44-221 MINIMUM NEED - CHILD IN FOSTER CARE

44-221

AFDC When a child is living in foster care, his or her minimum need is the boarding home or private institution rate of the county in which the home or institution is located, as established by the county in accordance with Section 10-225.

For other requirements relating to payments and services for children in foster care, see Sections 44-267 (Special Needs), 44-315.4 and 44-323 (Aid Payments), and 30-300 (Services).

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AFDC

44-265 SPECIAL NEEDS FOR AFDC

44-265

.1 General

.11 There are two categories of special needs:

.111 Recurring - The need is the result of an unusual circumstance in the recipient family which results in added cost to the and which is expected to occur during two or more months in a single year. Recurring special needs are subject to the limitations in Section 44-315.422 and conditions specified in .14 and .2 below.

.112 Nonrecurring - The need is the result of a catastrophe which is not expected to be repeated in a subsequent month. Nonrecurring special needs are subject to the limitations and conditions specified in .12, .13, .14 and .3 below.

.12 The costs of any nonrecurring special needs shall be met by first requiring the recipient to utilize his available liquid assets.

"Liquid assets," as used herein, means resources which are immediately available, or can be made immediately available.

This includes cash, negotiable stocks or bonds, bank accounts, etc.

Income which was appropriately exempt from consideration in determining the public assistance grant is included in the evaluation of liquid assets if still available to the recipient and if not exempt for a specific purpose, i.e., to further a plan of self-support.

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

The cash surrender value of insurance, mortgages, trust deeds, the market value of household furnishings and personal effects, automobiles, real property, etc., shall not be considered liquid assets. Liquid assets essential to a plan for rehabilitation or self-support shall not be considered immediately available.

When the allowance for a nonrecurring special need cannot be met in full by the recipient's available liquid assets, it shall be allowed as a part of the grant to the extent that the special need cannot be provided for out of the recipient's available liquid assets.

- .13 The county may allow a nonrecurring special need in a single month or prorate it over not more than three consecutive months.

A nonrecurring special need prorated in this manner shall not be considered recurring.

- .14 There will be no state participation in the cost of any special need granted to an AFDC recipient.

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.2 Recurring Special Needs**.21** Therapeutic Diet

.211 Special need for a therapeutic diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. The allowance may continue for no more than one year unless continuation of need is resubstantiated as provided above.

The amount allowed for a combination diet shall not exceed that specified for the highest cost diet included in the recommended diet plan.

.212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric — high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy (from 4th month)

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC.22 Other Recurring Special Needs

To enable the recipient to meet unusual costs caused by a verified medical problem of the recipient, the following special needs may be allowed based upon recommendation by a doctor or other practitioner that they are necessary, subject to approval by the county. The recommendation should include the period over which the need for the allowance will be necessary. No allowance may continue for more than one year unless it is resubstantiated as provided above. The allowance shall be subject to the following conditions and limitations:

.221 Costs for transportation to obtain medical treatment when such treatment is not available in the recipient's home community, as defined by the county, as follows:

- a. When common carrier (including a taxi) is available regardless of the transportation used, the amount allowed as a special need shall not exceed \$18 per month.
- b. When common carrier (including a taxi) is not available or cannot be used because of an infirmity and a private automobile must be used, the amount allowed as a special need shall be \$15 per month for fixed charges plus a standard allowance according to the number of miles traveled during the period as follows:

| <u>Miles Traveled per Month</u> | <u>Standard Allowance</u> |
|---------------------------------|---------------------------|
| Less than 175 | \$ 6.00 |
| 175 - 224 | 8.00 |
| 225 - 274 | 10.00 |
| 275 - 324 | 12.00 |
| 325 - 374 | 14.00 |
| 375 or more | 15.00 |

.222 The actual cost of special laundry service up to \$3.00 per month.

.223 The prevailing rate of employing someone to do the cooking, washing, ironing, household cleaning and similar chores when the family caretaker is too disabled to perform any one or more of these functions, and when such duties cannot be performed without charge by persons in the household. No allowance shall be made for this purpose if the Services System is providing homemaker services to the family. (See Section 10-053.5.)

.224 The amount of the charge for special telephone service or equipment, such as the cost of an amplifying device when a member of the household is handicapped by a hearing problem.

.225 A standard allowance of \$5.00 per month when the health problem requires excessive use of one or more utilities.

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC .3 Nonrecurring Special Needs

.31 A special need shall be allowed to replace the items listed in .342 below which are owned by the recipient when loss or damage of these items occurs which, in the judgment of the county, is due to sudden and unusual circumstances beyond the control of the family.

.32 Replacement of any item under the provisions of Section .1 above shall be allowed only when the item is not available to the family without cost from any source.

.33 The county shall determine the most feasible and economic method of replacement including the provision of used, serviceable items, and such method shall be binding upon the recipient. If the recipient is to purchase the item(s), proof of purchase may be required by the county.

.34 The amount of the allowance shall be calculated as follows:

.341 Determine the actual cost, including sales tax, of the replacement item.

.342 The amount determined in .341 above or the maximum amount listed below, whichever is less, shall be allowed:

- a. Clothing — \$25 for each person in the Family Budget Unit
- b. Bedding, dishes, and kitchen utensils — \$12 for each person in the Family Budget Unit
- c. Cook stove — \$142
- d. Refrigerator — \$190
- e. Space heater — \$73
- f. Double bed, including mattress — \$143
- g. Other essential furniture — \$50

.343 The total amount allowed under this section shall not exceed \$300.

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44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE

44-267

AFDC

.1 For Payment to Foster Family or Institution

The cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the basic foster care.

.2 For Payment to the Child's Own Caretaker

Items which are prerequisite to return of the child to his own home, such as telephone, essential furniture, household equipment and supplies, shall be allowed when the services plan is for the child to be returned to the home within 30 days and eligibility for AFDC-Family Group will exist. Amounts shall be allowed subject to limitations applicable when the item is allowed to an AFDC-Family Group.

.3 Exclusions

No amount shall be allowed as special need:

.31 For items other than those specified in Sections 44-267.1 and 44-267.2 above.

.32 For any special need item available to the child or prospective caretaker without cost.

.33 For service-connected expenses (see Section 10-305).

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The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

1. A cash grant payment is made; or
2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-325.4); and/or
3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a); or
4. In AFDC aid is discontinued for a family in which the parent is employed part-time but is no longer financially eligible.

AFDC

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**10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC
CHILDREN (Continued)**

10-225

.2 Procedure for Determining Foster Care Rates for Children in Foster Family Homes

Each county shall establish foster family home rates to pay for care and supervision, and for other needs which are provided to a child, under 18 years, who resides in a foster family home.

.21 Rates for Care and Supervision

A rate shall be established by the county for care and supervision for each of the four age groups listed below. Where the amounts vary for different age groups, the differences should reflect realistic variations in the kind of care required to provide appropriate care and supervision. Care and supervision of the infant and preschool age child, for example, may make necessary a higher rate than is paid for the child who is out of the home during part of the day. Such other factors should also be considered as the need to arrange for care for children of some age groups when the foster parents are away from home.

Provision should also be made, in determining the rate to be paid for care and supervision, for increasing the payments for care of children requiring special care as a result of health or behavior problems.

.211 Age Groups — A rate shall be established for each of the following age groups:

- Child under seven
- Child, seven through 12 years
- Boy, 13 through 17 years
- Girl, 13 through 17 years

.212 Items to be covered by the rates:

- Room and Board
- Clothing
- Personal Needs
- Recreation
- Transportation
- Education and Incidentals
- Supervision

.22 Provision for Other Needs

In establishing the payments for care of children in foster family homes, the county shall make provision for costs of other items identifiable to the child's special needs (see Section 44-267).

.3 Procedure for Determining Foster Care Rates for Children in Private Institutions

The rate for a child placed in a private institution is the amount charged by the institution, as negotiated by the county. The rate for institutional foster care shall be established in whole dollars.

See Sections 44-267, 44-315.4 and 44-323 regarding special need and payments for children living in a private institution.

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Effective MAY 26 1972

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The following regulations are to be repealed effective MAY 26 1972

- 44-266 SPECIAL NEED FOR EXCESSIVE COST OF UTILITIES
- 44-268 SPECIAL NEED FOR TELEPHONE
- 44-270 SPECIAL NEED FOR CLOTHING
- 44-272 SPECIAL NEED FOR HOUSEHOLD SUPPLIES AND FOR ESSENTIAL EQUIPMENT
- 44-274 SPECIAL NEED FOR LAUNDRY
- 44-276 SPECIAL NEED FOR TRANSPORTATION ESSENTIAL TO HOME MANAGEMENT
- 44-278 SPECIAL NEED FOR HOUSEKEEPING SERVICE
- 44-279 SPECIAL NEED FOR THERAPEUTIC DIET
- 44-280 SPECIAL NEED FOR CHILD IN FOSTER CARE
- 44-281 MEDICAL NEEDS - GENERAL

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 30 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAY 30 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: MAY 26, 1972

By: *[Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 30 1972

At 4:00 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: *[Signature]*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-109

43-109.31

43-109.321

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 amended Section 12101 of the Welfare and Institutions Code to substantially increase the maximum amount of contributions required to be paid to the county by a responsible relative of an Old Age Security (OAS) recipient.
2. Regulations implementing this legislative enactment were adopted effective October 1, 1971.
3. Notwithstanding emergency regulations filed December 16, 1971, which reduced the maximum liability of responsible relatives to the amount of the OAS grant, there is evidence that the maximum scale of required contributions adopted by the California Legislature in 1971 has resulted in increased financial burdens to many families of OAS recipients.
4. The Director of Social Welfare has authority to adopt regulations setting forth criteria for determining when imposition of the liability set forth in the Responsible Relatives' Scale would result in hardship.
5. Counties have requested that existing criteria for determining hardship be modified to give counties more guidelines which can be applied uniformly statewide.
6. It is necessary to adopt these regulations on an emergency basis in order to reduce the financial burden on responsible relatives of OAS recipients as soon as possible and to implement immediately specific guidelines for determining hardship to ensure statewide uniformity for considering hardship.

The regulatory changes set forth above are adopted as an emergency measure to become effective July 1, 1972.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD

43-109

OAS The maximum liability of an adult child shall be determined under the Relatives' Contribution Scale (see .31 below) which gives consideration to the child's net income and the number of his dependents. When the net monthly income of the adult child exceeds \$1,150 add \$5 to the appropriate subcolumn of Column C for each additional increment of \$25 in the adult child's net monthly income.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS .31 Relatives' Contribution Scale

RELATIVES' CONTRIBUTION SCALE

| A | | | B | | C | | | | | |
|-----------------------------------|------------|------------|--------------------------------|--------------|--|------|------|------|------|--------------|
| If gross monthly in income is: | | | Then net monthly income is: | | Maximum required monthly contribution if number of persons dependent upon income is: | | | | | |
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 or more |
| \$ | 0 | - 667.99 | \$ | 500 or under | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| | 668.00 | - 701.33 | | 501 - 525 | 20 | 10 | 0 | 0 | 0 | 0 |
| | 701.34 | - 734.66 | | 526 - 550 | 25 | 15 | 0 | 0 | 0 | 0 |
| | 734.67 | - 767.99 | | 551 - 575 | 30 | 20 | 0 | 0 | 0 | 0 |
| | 768.00 | - 801.33 | | 576 - 600 | 35 | 25 | 5 | 0 | 0 | 0 |
| | 801.34 | - 834.66 | | 601 - 625 | 40 | 30 | 10 | 0 | 0 | 0 |
| | 834.67 | - 867.99 | | 626 - 650 | 45 | 35 | 15 | 0 | 0 | 0 |
| | 868.00 | - 901.33 | | 651 - 675 | 50 | 40 | 20 | 5 | 0 | 0 |
| | 901.34 | - 934.66 | | 676 - 700 | 55 | 45 | 25 | 10 | 0 | 0 |
| | 934.67 | - 967.99 | | 701 - 725 | 60 | 50 | 30 | 15 | 5 | 0 |
| | 968.00 | - 1,001.33 | | 726 - 750 | 65 | 55 | 35 | 20 | 10 | 5 |
| 1,001.34 | - 1,034.66 | | 751 - 775 | 70 | 60 | 40 | 25 | 15 | 10 | |
| 1,034.67 | - 1,067.99 | | 776 - 800 | 75 | 65 | 45 | 30 | 20 | 15 | |
| 1,068.00 | - 1,101.33 | | 801 - 825 | 80 | 70 | 50 | 35 | 25 | 20 | |
| 1,101.34 | - 1,134.66 | | 826 - 850 | 85 | 75 | 55 | 40 | 30 | 25 | |
| 1,134.67 | - 1,167.99 | | 851 - 875 | 90 | 80 | 60 | 45 | 35 | 30 | |
| 1,168.00 | - 1,201.33 | | 876 - 900 | 95 | 85 | 65 | 50 | 40 | 35 | |
| 1,201.34 | - 1,234.66 | | 901 - 925 | 100 | 90 | 70 | 55 | 45 | 40 | |
| 1,234.67 | - 1,267.99 | | 926 - 950 | 105 | 95 | 75 | 60 | 50 | 45 | |
| 1,268.00 | - 1,301.33 | | 951 - 975 | 110 | 100 | 80 | 65 | 55 | 50 | |
| 1,301.34 | - 1,334.66 | | 975 - 1,000 | 115 | 105 | 85 | 70 | 60 | 55 | |
| 1,334.67 | - 1,367.99 | | 1,001 - 1,025 | 125 | 115 | 95 | 80 | 70 | 65 | |
| 1,368.00 | - 1,401.33 | | 1,026 - 1,050 | 135 | 125 | 105 | 90 | 80 | 75 | |
| 1,401.34 | - 1,434.66 | | 1,051 - 1,075 | 145 | 135 | 115 | 100 | 90 | 85 | |
| 1,434.67 | - 1,467.99 | | 1,076 - 1,100 | 155 | 145 | 125 | 110 | 100 | 95 | |
| 1,468.00 | - 1,501.33 | | 1,101 - 1,125 | 165 | 155 | 135 | 120 | 110 | 105 | |
| 1,501.34 | - 1,534.66 | | 1,126 - 1,150 | 175 | 165 | 145 | 130 | 120 | 115 | |

Welfare and Institutions Code Section 12101 provides for contributions based on net income.

Column A is included for convenience in converting gross income to net income when the income of the adult child includes only his salary or wages. Under the law, the differential between gross and net income for such child is a flat 25 percent and this is the differential between the gross income shown in Column A and the net income shown in Column B.

If the adult child's income includes income from property, self-employment, business, etc., his total net income must be determined under the appropriate provisions in Section 43-105.4. Net income so determined is then used in determining his maximum liability under Column C of the scale.

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

.32 Modification or Elimination of Liability

.321 Major Unusual Expenses and Resulting Hardship

Liability may be fixed at less than the maximum if the relative:

1) establishes that major unusual expenses limit his ability to contribute, 2) establishes that undue hardship will result if the maximum liability is imposed, and 3) presents evidence which supports his contentions. The county may, in cases where a determination is made that a finding of hardship is warranted, reduce the maximum liability and shall document the basis for such reduction in the case record. If hardship is established, the expenses which are allowed are deducted from the relative's net income and a modified liability determined by application of the Relatives' Contribution Scale.

Major unusual expenses which may be allowed in establishing a finding of hardship are:

- a. Monthly medical or dental expenses (including health insurance premiums), not covered by insurance, to the extent that they exceed 3 percent of the relative's monthly gross income.
- b. Payments to meet court-ordered legal judgments, garnishments, child support or alimony, nonpayment of which would result in incarceration or job loss.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

c. Institutional care payments for a member of the immediate family (parent, spouse or child).

In all cases where hardship is established and the relative's monthly liability is reduced, the county shall reexamine the case at intervals of no more than six months for the purpose of reevaluating all facts which are pertinent to a finding that the hardship reduction should continue.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 7 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

JUN 7 1972

Office of Administrative Hearings
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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: June 7, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN - 7 1972

At 4:45 o'clock P. M.
EDMUND G. BROWN, Jr., Secretary of State

By: [Signature] Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 30-154
41-440.21
44-103.241

New:

Section 30-159

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 25.3 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) added Sections 11325 through 11327 to the Welfare and Institution Code authorizing implementation of the Community Work Experience Program (CWEP).
2. Implementation of CWEP is now required pursuant to the CWEP Demonstration Project approved by the Department of Health, Education, and Welfare.
3. Implementation of CWEP requires adoption of regulations by the Director of Social Welfare.
4. It is necessary to adopt the revisions set forth above on an emergency basis in order to meet the time schedule of the approved CWEP Demonstration Project.

The revisions described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-154 MEDICAL EXAMINATIONS TO DETERMINE EMPLOYMENT READINESS 30-154

AFDC .1 Where certification or referral to employment, WIN, a rehabilitation assignment, or Community Work Experience Program (CWEP) activity is planned, the Employables Section of the Department of Human Resources Development or the Social Services system shall assess the need for a medical examination and assure that one is provided if adequate medical information is not available. A medical examination shall be arranged when there is indication of a physical or mental problem which needs to be evaluated in order to determine whether the recipient is a suitable candidate for certification or referral to the above programs or when such examination is necessary to assure that the person is properly placed in such a program. (See Section 30-152.31.)

Form CA 341 (Medical Examination and Work Capabilities Evaluation) shall be used to record the necessary information.

A report of an examination made within the past six months shall be considered adequate if it contains the information required to complete a Form CA 341.

The primary purpose of the medical examination is to aid in the proper placement of the recipient in a training program, Community Work Experience Program activity, or job within his physical capabilities. It is also used to disclose physical defects which are correctable.

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-154 MEDICAL EXAMINATIONS TO DETERMINE EMPLOYMENT READINESS 30-154
(Continued)

- AFDC .2 Each recipient who is potentially certifiable or referable to employment, WIN, rehabilitation assignment, or CWEP shall be advised of his right to obtain, without prejudice, a physical examination free of charge to him. (See also Fiscal Handbook Section 25-852.30, B 1.)
- .3 Where a medical examination is indicated, the recipient shall be referred to an appropriate physician, clinic or hospital.
- .4 Restorative medical services directly related to improving the recipient's employability shall be provided if needed. All available resources such as Vocational Rehabilitation and Title XIX (Medi-Cal) shall be utilized for this purpose. Such services include the provision of eyeglasses, hearing aids, cosmetic dentistry, etc.

30-159 COMMUNITY WORK EXPERIENCE PROGRAM 30-159

- AFDC .1 The Community Work Experience Program (CWEP) set forth in the Welfare Reform Act of 1971 (Welfare and Institution Code Sections 11325 through 11327) is a demonstration program and has been approved by the Department of Health, Education, and Welfare. CWEP requires employable AFDC recipients in counties designated by the Director of the Department of Human Resources Development (HRD) to participate in the Community Work Experience Program as a condition of their eligibility.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

The purpose of CWEP is to assist employable recipients to become job ready by giving them the opportunity to learn new skills, gain valuable work experience and develop a work history.

.11 For purposes of this section an individual is an "employable AFDC recipient" unless one of the following conditions is met:

- a. He is under the age of 17.
- b. He is an AFDC child, 17 or over, attending school full time.
- c. He is participating in WIN.
- d. He is incapacitated or of advanced age.
- e. She is the mother of a child under the age of 7 in the home.

.12 A CWEP activity shall:

- a. Be with a public agency or a nonprofit, charitable organization organized for a public nonpolitical purpose which has signed a user agency agreement approved by HRD.
- b. Serve a useful public purpose (which would not otherwise be done) in such fields as health, education, environmental protection, urban and rural development and redevelopment, public safety, recreation, public facilities, social services, and welfare.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

- c. Provide appropriate standards for health, safety, or other conditions applicable to the performance of work, including workmen's compensation insurance.
- d. Not apply to jobs covered by a collective bargaining agreement.
- e. Not result in displacement of persons currently employed or in the filling of established unfilled position vacancies.
- f. Not require a participant, without his consent, to remain away from home overnight.
- g. Not require a participant, without his consent, to travel an unreasonable distance from home.
- h. Not require a participant to work:
 - (1) In excess of eight hours during any one calendar day.
 - (2) In excess of eighty hours during any calendar month.
 - (3) For a period of time which would result in a total number of hours per month, which if compared to the amount of the grant, in relation to the state or federal minimum wage, whichever is higher, would result in a ratio that would be less than such minimum wage.
- i. Not result in any additional cost to a participant.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

- j. Not include a position vacant due directly to a strike, lockout, or other labor dispute.
- k. Not require as a condition of accepting the work experience activity or continuing in the work experience activity, the individual to join a company union or to resign from or refrain from joining any bona fide labor organization.

.13 Additional Costs

Participation in a CWEP activity shall not result in any additional cost to a participant. Provision shall be made for transportation and all other costs reasonably necessary to and directly related to participation in the activity. Such costs shall include:

.131 If transportation is not provided by the county or user agency, costs of transportation to and from his home and the CWEP activity:

- (a) Actual cost of public transportation (bus, train, or streetcar), if the county determines that it is available to the participant, or
- (b) If public transportation is not available, the actual amount contributed to the owner or driver of a vehicle who provides participant with transportation, not to exceed six (6) cents per mile.

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1 CONTINUATION SHEET
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

(c) If neither public transportation nor car pool arrangements are available, and the participant uses his own motor vehicle, twelve (12) cents per mile less any amount contributed by another participant who rides with him.

.132 Reasonable and necessary child care costs as determined by the county, when the county determines that adequate child care cannot be provided by nonworking persons in the household or by the county. The county shall be responsible for such child care cost.

.133 The actual cost of additional food, clothing and personal incidentals required solely for a CWEP activity, to the extent such costs are determined by the county to be reasonable and necessary.

.134 The participant shall bear the full burden of justifying the existence of and need for all costs under this section.

.2 "Participation" in the Community Work Experience Program includes reporting for a CWEP activity; accepting a CWEP activity; performing reasonable assignments to the best of the participant's ability; neither voluntarily without good cause leaving a CWEP activity nor being discharged from a CWEP activity for misconduct; and conducting an adequate job search.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

- .21 Each employable AFDC recipient shall report biweekly (i.e., once every two weeks) in person, as directed by HRD, for an evaluation of his job search efforts and for assignment to CWEP activities. HRD shall notify the recipient of his reporting requirements.
- .22 A discharge shall not be for misconduct unless HRD establishes that the participant wilfully failed to perform to the best of his ability, failed to follow the reasonable instructions of the user agency or wilfully acted or conducted himself in a way that tended to injure the user agency.
- .23 An inadequate job search is one in which the recipient fails to follow job search instructions or has materially reduced his attachment to the labor market by discouraging prospective employers from hiring him. Such action includes, but is not limited to the following:
- a. Wilfully presenting a negative attitude when applying for a job.
 - b. Misrepresenting qualifications, physical condition or health when applying for a job.
 - c. Voluntary personal appearance factors or bizarre mode of dress, shown not acceptable to prospective employers in light of the labor market of the individual.

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(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC .3 Good Cause for Failure to Participate

.31 Good cause for failure to meet reporting requirements exists if the recipient establishes that he was prevented from reporting on the date and time he was scheduled to report due to one or more of the following:

- a. He is mentally or physically incapacitated.
- b. He is ill or required to care for an ill or incapacitated member of his immediate family and no other care arrangements are feasible.
- c. Suitable child care is unavailable.
- d. He is employed or is actively participating in an approved education program, training program, or public service employment program.
- e. He is without transportation due to circumstances beyond his control, and there was no other means of meeting reporting requirements.
- f. He has comparable, compelling reasons for failure to report.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

.32 Good cause for failure to make an adequate job search exists if the recipient establishes that he was prevented from so doing on the days that he was required to conduct a job search because:

- a. He is employed; has definite offer of full-time employment to start within 14 calendar days; or has a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days.
- b. He is prevented due to physical or mental incapacity.
- c. He is ill or required to care for an ill member of the immediate family and no other care arrangements are feasible.
- d. He is employed in bona fide employment at the time he is to conduct a job search or is employed during that week in bona fide employment more than 20 hours.
- e. Suitable child care is unavailable.
- f. He is claiming UIB and meeting the seek-work requirements under Section 1253(e) of the Unemployment Insurance Code.
- g. He is actively engaged in an approved education, training or a public service employment program.
- h. He has for comparable, compelling reasons been unable to conduct a job search.

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC

.33 Good cause for voluntarily leaving or for failing to accept or perform an assignment to a Community Work Experience Program activity shall exist if the recipient establishes any of the following:

- a. The activity does not meet the requirements of Section 30-159.12.
- b. The activity is in excess of his physical or mental capacity.
- c. He is actively participating in an approved educational, training or public service employment program at the date and time he was scheduled to report.
- d. He is employed in bona fide employment at the time he is to perform a CWEP activity or is employed more than 20 hours during that week in bona fide employment.
- e. She is a mother responsible for the care of a child over the age of six (6) years in the home, if suitable child care is not available.
- f. He is ill or required to care for an ill member of the immediate family and no other care arrangements are feasible.
- g. Due to changes of circumstances he is unemployable.
- h. Participation in the activity conflicts with the imminent likelihood of bona fide employment.
- i. Participation in the activity interferes with an existing job or job interview.

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC .4 Referral of Employable AFDC Recipients

The county shall refer to the Employables Section of HRD any AFDC recipient who is determined by the county to be employable under Section 30-159.11. HRD may, at any time, make a determination that a recipient referred to HRD by the county is not an employable recipient as defined by Section 30-159.11.

.5 Procedure for Determination of Good Cause for Failure to Participate

When an employable recipient fails to participate in CWEP, HRD shall determine whether good cause exists for the failure to participate. If it is found that good cause does not exist, HRD shall notify the county of its findings. The facts as determined by HRD and the findings based on those facts are binding upon the county. The county shall determine the appropriate sanction and notify the recipient and HRD of its determination within 5 working days of date of receipt of the findings. However, failure to give notice within the prescribed period shall not affect its validity nor the validity of the proceedings. If the recipient requests a fair hearing the hearing shall be conducted by SDSW. SDSW shall advise the recipient, and authorized representative, HRD, and the county of the time and place of the fair hearing. If, prior to a fair hearing, the fair hearing request is withdrawn, the county shall promptly notify HRD and SDSW in writing of the action taken and the basis for the action. A copy of any decision following a fair hearing shall be mailed to the recipient, the authorized representative of the recipient, HRD, and the county.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-159 COMMUNITY WORK EXPERIENCE PROGRAM (Continued)

30-159

AFDC .6 Penalty for Failure Without Good Cause to Participate

.61 If an individual is determined to have failed without good cause to participate in CWEP, including a discharge for misconduct, he shall not be considered a needy relative or caretaker of an AFDC child and shall not be entitled to receive or use any part of an AFDC grant.

If an individual is excluded from the family budget unit for failure to participate in CWEP, the grant paid to the family shall be reduced effective at the end of the month in which the disqualifying act occurs. If the county is unable to discontinue aid at the end of such month because the 15-day advance notice period has not yet expired, aid shall be discontinued effective on the next installment delivery date.

.62 The period of disqualification shall be:

- a. Three calendar months.
- b. Six calendar months if the individual had previously been disqualified under .61.
- c. Twelve calendar months if the individual had previously been disqualified two or more times under .61.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC .21 Shall not during 30 consecutive calendar days immediately prior to the beginning date of AFDC, or while in receipt of AFDC, have refused without good cause to apply for or accept an offer of job training or a definite offer of employment meeting any applicable minimum wage requirements. Determination of good cause for refusal of a job offer, training, or community work experience assignment shall be made by the Department of Human Resources Development or by the Social Services System as provided in Section 30-156.

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)

AFDC .241 Refusal without good cause by a parent to apply for or to accept employment or job training shall as to recipients be subject to the penalties specified for AFDC-U parents in Section 41-440.3, and as to applicants, see Section 41-407.

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 29 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

JUN 29 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated:

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN 29 1972

At 4:35 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Merjue R. Drishberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-113.6
44-133.5

New:

Section 44-315.43

Renumber:

Section 44-315.44 (renumbered from Section 44-315.43)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. A court order in the case of Riddles v. Carleson requires changes in the methods for determining stepfather contributions in the AFDC program.
2. The Director of Social Welfare has the authority to make such changes by adopting regulations affecting stepfather contributions.
3. These regulations will clarify the financial obligation of stepfathers of AFDC recipients, eliminate inequities and implement specific guidelines for determining contributions to the stepchildren.
4. It is necessary to adopt these regulations on an emergency basis in order to achieve uniformity as soon as possible among counties in the manner of determining stepfather contributions consistent with the court order in the Riddles v. Carleson case.

The regulations changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC .6 Stepfather

A stepfather is responsible for the support of his children from another union living outside the home; and his children, natural and adopted, living in the home; and his wife.

A stepfather is not legally responsible for the support of his wife's children by another man, unless he has adopted them. However, his wife's interest in the community property as defined in Section 42-203.5 including the earnings of her husband (see Section 44-101.5 for definition of earnings), where actually available to her, shall be considered available for the support of his stepchild(ren). (See Section 44-133.5.)

If the stepfather and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made, as specified in Operations Manual, Section 20-101.

.61 Availability of Stepfather's Income

Provided that the nonadoptive stepfather and the natural or adoptive mother regularly reside together, the existence of any of the following criteria on a current and regular basis may reasonably justify a finding by the county that all or a portion of her husband's income is actually available for her use or in support of her children.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

- .611 To the extent that the husband's income is actually made available for use by the wife, including use for support of her children, e.g., in a bank account in the names of the husband and wife jointly; in a separate bank account in the wife's name; in any other form of account upon which the wife can draw; in money orders or other instruments which the wife can cash; in cash; etc.; or
- .612 To the extent that the husband's income is used to provide, for his nonadopted stepchildren, any or all of their food, housing, clothing, utilities, transportation, or other living expenses; or
- .613 To the extent that maintenance of a credit arrangement, legally collectible from the husband's income, is available to the wife for food, housing, clothing, utilities, transportation, or other living expenses or can be used by her to so provide for her natural or adopted children.

Whether the criteria in Sections 44-113.611, .612 or .613 exist so as to reasonably justify a finding by the county that all or a portion, as the case may be, of her husband's income is actually available for her use in support of her children shall be determined on the basis of all available data, including that obtained from the statement required by Section 43-113.62.

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**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC .62 Statement Required

Whenever aid is applied for or granted on behalf of a child living in a home with his natural or adoptive mother and nonadoptive stepfather, the mother shall complete a statement for purposes of determining the actual availability to her of her interest in the community property, (see Section 42-203.5) including the earnings of her husband. Such statement shall contain the following information accurate for the budget period appropriate for grant determination (see Section 44-315.4):

- .621 The stepfather's current monthly income;
- .622 The wife's current monthly income;
- .623 The source and amount of any other current monthly income;
- .624 The type, amount, and ownership of any currently available credit arrangement;
- .625 The amount of and manner in which the stepfather's current monthly income is kept, i.e., joint bank account; separate bank account in whose name; in cash; etc.;
- .626 Whether, how, and in what amount the stepfather's income is regularly made available to the mother, and if not, why not;
- .627 Whether the stepfather and mother normally reside together, and if not, why not;
- .628 The amount of, means of making, source of funds for, and which spouse makes each of the following payments each month, where applicable: food, housing, clothing, utilities, transportation, other expenses;
- .629 Any other facts relevant to a determination whether the stepfather's income is or is not regularly made available to the mother.

.63 Certification

The statement (required in Section 43-113.62) shall be signed by the mother under penalty of perjury. For this purpose, the statement shall include the following:

"I declare under penalty of perjury that the foregoing statements on this form are true and correct."

.64 Failure to Cooperate

Failure of the mother to cooperate in the presentation of the required statement shall be considered the mother's decision to withhold information essential to the determination of the eligibility of the child, except that if she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the county in accordance with Sections 40-128.3 and 40-157.313. If the exception does not apply, aid shall be denied, or discontinued.

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Effective JUN 29 1972

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .5 Stepfather's Income and Liability

.51 Definition of Stepfather Unit

The stepfather, his wife, and his children, including children he has in common with his wife are members of the Stepfather Unit when they are not in the Family Budget Unit. Within this definition and the definition of Family Budget Unit (Section 44-213.3) persons in the household may be in either the Stepfather Unit or the Family Budget Unit but not both.

.52 Needs of Stepfather Unit

.521 Stepfather in Family Budget Unit

When the stepfather is included in the Family Budget Unit (see Section 44-213.3), the total amount of his net nonexempt income shall be income to the Family Budget Unit for purposes of grant computation. For purposes of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer, the family or student exemptions shall not be applied to his income.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.522 Stepfather Not in Family Budget Unit

When the stepfather is excluded from the Family Budget Unit, the county shall determine his ability to support himself, his wife, or his children including their children in common on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-212.2). Allow deductions from his gross income for mandatory payroll withholdings and prior support liability in accordance with Section 44-133.533a.

- a. If his income meets their combined need, exclude his wife and his children from the Family Budget Unit for purposes of both eligibility determination and grant computation.
- b. If his income does not meet their combined need, include his wife and any of the stepfather's needy eligible children for whom aid is requested in the Family Budget Unit for purposes of both eligibility determination and grant computation.

.53 Stepfather Contribution

Income to the Family Budget Unit from the stepfather shall be the largest of the following:

.531 That amount actually available to the Family Budget Unit.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.532 That portion of a wife's community property interest (one-half) in her husband's property or earnings that is actually available to her.

.533 A wife's legally collectible interest in the community property including earnings of her husband. A wife's legally collectible interest in her husband's earnings is equal to one-half of the remainder after deducting the following from his total monthly gross earnings:

- a. Any prior support liability actually contributed by him either voluntarily or under court order, for the support of his children by a woman other than his current wife when such children are not living in his home, plus
- b. \$300.

This amount is to be used only to the extent that it is actually available to the wife.

In no event shall the amount considered available to the Family Budget Unit be greater than the stepfather's gross income less any prior support liability as described in Section 44-133.533 above, mandatory payroll deductions and the appropriate Minimum Basic Standard of Adequate Care figure for persons in the Stepfather Unit as determined in accordance with Section 44-133.522.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.54 Referral for Mandatory Collection of Stepfather Contribution

When an amount less than that determined in Section 44-133.53 above is available to the wife, or to the Family Budget Unit, the case shall be referred to the appropriate county legal officer for legal action under Civil Code Sections 248 and 5127.5 or other appropriate statute including Welfare and Institutions Code Sections 11482 and 11483, and Penal Code Section 270a where applicable.

44-315 AMOUNT OF AID (Continued)

44-315

.43 Child Living With Nonaided Stepfather Unit

.431 Assuming for purposes of grant computation only that the Stepfather Unit (SU) (see Section 44-133.5) and the Family Budget Unit (FBU) (see Section 44-213.3) are one assistance family, determine the maximum aid amount for the combined number of persons in both units. Subtract the maximum aid amount that would apply if the SU were eligible for assistance. The remainder shall be the amount of maximum aid for the FBU. (Note: The determination of a maximum aid amount for the SU is made only for the purpose of determining the maximum aid for which the FBU is eligible. The SU is not considered an eligible group for which aid may be paid.)

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.432 The procedure for computing the amount of the basic cash grant shall be the same as that set forth in Sections 44-315.412 and .413.

.433 The procedure for computing the amount of special need allowance shall be the same as that set forth in Section 44-315.42.

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DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

July 14, 1972

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on March 17, 1972, which became effective March 17, 1972.

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

FILEDIn the office of the Secretary of State
of the State of California

JUL 14 1972

At 11:40 o'clock A.M.

EDMUND G. BROWN Jr., Secretary of State

By 

Deputy Secretary of State

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Office of Administrative Hearings

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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JUL 13 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

JUL 13 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 13, 1972

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 13 1972

At 4:40 o'clock P.M.

EDMUND G. BROWN Jr. Secretary of State

By [Signature]
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-111.422c(2)

Repeal:

Section 44-111.422c(3)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. In cases where the charge for care in a nonmedical out-of-home facility exceeds the state established maximum, Section 44-111.422c permits disregarding as income, subject to certain conditions, any voluntary contributions or county supplementary payments.
2. Section 44-111.422c(2) defines the total amount so excluded as the difference between the state established maximum and the minimum amount for which care is available, but not to exceed \$70.
3. Because the cost of out-of-home care has been found to vary widely between counties, the \$70 limitation creates inequities and works a hardship upon aid recipients residing in counties where such costs are high.
4. It is necessary to adopt the revisions set forth above on an emergency basis to afford prompt relief to affected recipients.

The revisions described above must therefore be adopted as an emergency measure to take effect immediately upon filing with the Secretary of State.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

AB
APSB
ATD
OAS

.422 Designated needs within the meaning of this section include:

c. Out-of-Home Care

- (2) The total amount of voluntary contributions or county supplementation excluded from consideration as income is the difference between the state established maximum and the minimum amount for which adequate care of the individual is available in the community, but not to exceed \$70 a month.
(The \$70 limitation shall not apply to ATD.)

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective JUL 13 1972

Section 44-111.422c.(3)

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

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(Gov. Code 11380.2)

JUL 14 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 14, 1972

By: See Above

Director

(Title)

~~RECEIVED~~

FILED

in the office of the Secretary of State
of the State of California

JUL 14 1972

At 4:35 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

Merpie R. Hershberger

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 22-021.2
22-022.1
22-022.3
22-023
22-027.1

Repeal:

Section 22-025.12

Renumber:

Section 22-025.12 (from former 22-025.13)

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On December 10, 1971, the United States District Court, Northern District of California, in the case of Yee-Litt v. Richardson and Carleson enjoined the Director, State Department of Social Welfare, from withholding welfare assistance benefits to those recipients who had filed a timely request for a fair hearing until a decision had been made in each such case.
2. On January 17, 1972, the Director filed with that court his Motion to Vacate the court's order of December 10, 1971, accompanied by regulations prepared by him for the court's approval which were designed to ensure that he could properly enforce the provisions of 45 CFR 205.10(a)(5)(iii)(a)(1).
3. On March 16, 1972, that court entered its order modifying its December 10, 1971, order to allow the Director, State Department of Social Welfare, to file and implement such regulations.
4. The immediate promulgation of the regulations described above is required for the protection of public funds as public assistance benefits must be paid to many recipients who are not legally entitled thereto, and to comply with the court's order of March 16, 1972.
5. Adoption of these regulations on an emergency basis is necessary in order to preserve the issues involved in Yee-Litt v. Richardson and Carleson as the court has not yet made a final determination of the issues in the case.

Adoption of these regulations is required effective immediately upon filing with the Secretary of State.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-021 EXPLANATION OF RIGHT TO FAIR HEARING (Continued)

22-021

22-022 ASSISTANCE PENDING HEARING

22-022

- .1 Where the county action would result in a termination, suspension, or reduction of an assistance grant, the county must mail to the person affected, at least 15 days prior to the effective date of that action, a written notice on State Department of Social Welfare Form ABCD 239, in duplicate, which will include:

- .2 Written notice of the right to a fair hearing shall be included in every notification to the applicant or recipient of the granting, denial, decrease, discontinuance, suspension or increase in aid, or request for repayment, and to an adult child when the determination is made that he is liable for contributions or where there is a change in a prior county determination regarding aid. In all cases, the notice shall be prepared on State Department of Social Welfare Form ABCD 239 and mailed to the claimant or recipient in duplicate and in language understandable to the person receiving such notification.

22-022 ASSISTANCE PENDING HEARING (Continued)

22-022

- .3 Where the person affected has filed his request for a fair hearing within the 15-day period, the assistance will be continued, without change, until the fair hearing decision is rendered, unless prior thereto the Chief Referee determines that the issue involved in the fair hearing request is one of state policy and not one of fact or judgment in the individual case, including a question of whether State rules were correctly applied by the county to the facts of the case. In no case, however, shall such determination be made by the Chief Referee until after receipt by him of a report from the county welfare department in accordance with the requirements of Section 22-023.1. In all cases, when the Chief Referee does determine the issue, he shall base his determination on the information contained in the county Notice of Proposed Action (see Section 22-022.1), and in the county report (see Section 22-023.1) and in the recipient's request for fair hearing.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023

.1 Preliminary Review and Report to the Chief Referee

- .11 Upon receipt of the notice from the Chief Referee that a recipient has filed a request for a fair hearing with his office, the county shall immediately ascertain whether the request for fair hearing was filed within 15 days after the mailing by the county of the notice required by Section 22-022.1 above. If the request was not filed within that 15-day period, the county shall immediately notify the Chief Referee of such fact.
- .12 If, pursuant to Section 22-023.11 above, the county determines that the fair hearing request was timely filed within the 15-day period, the county shall immediately contact the claimant and his authorized representative, if any, to obtain the facts pertaining to whether his claim involves only a question of state agency policy and not one of fact or judgment relating to the individual case, including a question of whether the state agency rules or policies were correctly applied to the facts of the particular case.
- .121 The contact required by Section 22-023.12 shall be by telephone or in person. If, after due diligence, both such methods prove to be unsuccessful, the county shall mail to the claimant a request that the claimant, within seven days, contact a designated county welfare employee (which person shall be someone who was not involved in making the original decision giving rise to the request for the fair hearing), informing the claimant that it is necessary for the county to obtain facts pertaining to the nature of the issues raised by his fair hearing request and further informing the claimant that his failure to respond to the request may result in the reduction, suspension or termination of his assistance pending a fair hearing decision in his case.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE
FAIR HEARING (Continued)**

22-023

- .13 After obtaining the information required by Section 22-023.12, the county shall reduce that information to writing on the bottom of the reverse side of a copy of the Form ABCD 239 involved in the case or on a separate sheet attached thereto and shall forward a copy of that completed form and information to the Chief Referee within five (5) working days after receipt by the county of the notice that a fair hearing request has been filed. The county shall include on the copy of the Form ABCD 239 the date on which the original form was actually mailed to the particular claimant.
- .131 If the county is unable to comply with the time-period requirement imposed by Section 22-023.13 because the county was required to make written contact with the claimant, then the county shall comply with the reporting requirements of Section 22-023.13 forthwith after receipt by the county of the information required by Section 22-023.12.
- .132 If the claimant refuses or fails to provide the county with the requisite facts pertaining to the nature of the issues raised by his fair hearing claim, the county shall forward to the Chief Referee, not later than two days after the elapsing of the seven-day period provided for in Section 22-023.121, a copy of the Form ABCD 239 involved in the case together with a summary of the dates and manner of compliance by the county with the requirements of Sections 22-023.12 and 22-023.13 and a statement concerning the refusal or failure of the claimant to provide facts concerning the fair hearing issues raised by his claim.
- .133 In no case shall the reports required by Sections 22-023.131 or 22-023.132 be submitted by the county to the Chief Referee later than twelve (12) days after receipt by the county of the notice from the Chief Referee that a request for a fair hearing has been filed with his office.
- .2 Preparation for the Hearing - Prior to the fair hearing, the county welfare department shall:
- .21 Review the applicable State law, regulations and policies in light of the evidence. When assistance of the State Department of Social Welfare is required to clarify any question, such assistance shall be sought without delay.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE
FAIR HEARING (Continued)

22-023

- .22 Organize all oral and written evidence and plans for its presentation at the hearing to avoid unnecessary delay or duplication. Where county policy directives or instructions are involved in the matter, copies of those documents shall be presented at the hearing.
- .23 Arrange for the attendance of all necessary witnesses and the availability of all documents for presentation of the county's case, including notification to the Chief Referee, of any communication problem possessed by the claimant.
- .24 If the issue is:
 - .241 amount of aid;
 - .242 grant adjustment; or
 - .243 demand for repayment;prepare a complete final budget computation, month by month, for the period subject to review, and up to the date of hearing.
- .25 Continue to remain in touch with the claimant, and to report without delay to the Chief Referee any change in the circumstances of the applicant or recipient, or in his address, or in any other area which might affect the necessity for or conduct of the hearing. This responsibility continues after the hearing and at least until a decision is rendered.
- .26 Arrange to have present at the hearing a county welfare department representative with full authority to make binding agreements and stipulations on behalf of the county welfare department.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-025 HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID

22-025

- .12 send the case record, containing all relevant information in the county welfare department's possession, to the welfare department of the county in which the claimant is living, with the request that the second county welfare department represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county welfare department to arrange such representation or notify the first county welfare department of its inability to act. The first county welfare department would then, necessarily, follow one of the other two procedures.

22-027 COMPLIANCE WITH STATE DEPARTMENT OF SOCIAL WELFARE DECISIONS

22-027

- .1 Immediately upon receipt of notice of the decision (excepting decisions rendered in appeals by an adult child liable for contributions, see Section 22-027.3), the county shall comply with the decision and shall notify the Office of the Chief Referee by completing a compliance form issued by the State Department of Social Welfare or shall request a rehearing. If the decision is in favor of the claimant on the issue involved, but aid has not been paid by the county, the notice to the State shall include a complete statement of the reasons why the county has not complied with that decision.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective JUL 14 1972

Section 22-025.12

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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JUL 14 1972

Office of Administrative Hearings

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(Gov. Code 11380.2)

JUL 14 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 13, 1972

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 14 1972

At 2:55 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Margie R. Kershberger
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revised:

Section 44-111.32

44-111.33

New:

Section 42-213.218

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Welfare and Institutions Code Section 11008.7 provides that neither the funds paid to Indians pursuant to Public Law 90-507 nor property derived therefrom shall be considered for public assistance purposes.
2. Public Law 92-254 provides that certain per capita payments to the Blackfeet Tribe and the Gros Ventre Tribe shall not be considered as income or resources for public assistance purposes.
3. These regulation changes implement these state and federal laws consistent with regulations of the Department of Health, Education, and Welfare.
4. Payments to the affected Indians are expected to be made very shortly.
5. It is necessary to adopt these regulation changes on an emergency basis in order to permit Indians to receive the full benefit of these payments consistent with state and federal law.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH 42-213
MAY BE RETAINED (Continued)AB
APSB
ATO
OAS
AFDC

.218 Federal Payments to Indians

- a. Payments received from the Federal Government under Public Law 90-507 shall be excluded from consideration as personal property when the total of nonexempt personal property, including such payments does not exceed \$2,000 for each individual adult or minor recipient.

When such payments are converted into other property, the property shall be treated the same as the payments. However, if the property received through such a conversion is again converted, the property (real or personal) acquired is subject to the limitations on property contained in Chapter 42-200.

- b. Payments received from the Federal Government under Public Law 92-254 shall be excluded from consideration.

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1 CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

AB
APSB
ATD
OAS
AFDC

.32 Federal Payments to Indians

.321 Payments received from the Federal Government under Public Law 90-507 are considered personal property rather than income. (See Section 42-213.218 for treatment.)

.322 Per capita payments made to Indians under Section 6 of Public Law 87-775 and Public Law 92-254 are exempt from consideration as either income or resources of the recipient.

AB
ATD
OAS

.33 Manpower Development and Training

Payments not to exceed \$20 per week under the Manpower Development and Training Act to a recipient of aid as training incentive payments and additional expense allowance payable under the Manpower Development and Training Act to defray expenses attributable to training are exempt.

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 21 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
JUL 21 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 20, 1972

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 21 1972

At 2:00 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: [Signature]
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

42-503.71
42-505.1
42-505.11

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Under current regulations of the Department of Social Welfare, OAS and ATD recipients who become temporary residents in noncertified medical institutions are ineligible for benefits.

The following amendments must, therefore, be adopted as an emergency measure to become effective on July 21, 1972, in order to provide such benefits.

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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JUL 26 1972

Office of Administrative Hearings

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(Gov. Code 11380.2)

JUL 26 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 26, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 26 1972

At 4:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By:

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provision of Section 11421(b) of the Government Code:

Revise:

Renumber:

Section 30-155.7
30-158.11
30-158.23
30-162.2
30-163.3
42-101.3
42-101.31
42-103.2
44-103.24
44-103.242

Section 44-213.51 (renumbered from
44-213.54)

Repeal:

Section 42-101.32
42-105
42-107
44-213.51
44-213.53
44-213.55
44-213.56

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The California Legislature in 1971 (Chapter 578, Statutes of 1971) and in 1972 (Chapter 24, Statutes of 1972) enacted legislation modifying the eligibility requirements for AFDC children included in Section 11253 of the Welfare and Institutions Code.
2. Each of these legislative enactments retained a requirement that children age 16 or 17 must attend school or a training program, be disabled or be employed and contributing to the family in order to be considered eligible for AFDC.
3. Regulations were adopted on March 24, 1972, on an emergency basis to implement these legislative requirements.
4. A recent United States Supreme Court decision indicates that the types of conditions imposed by the Legislature in Section 11253 for AFDC eligibility of 16 and 17 year old children would be inconsistent with the Social Security Act.
5. In order to retain the regulatory requirements implementing Section 11253 and make them consistent with this United States Supreme Court decision as they apply to the eligibility of children for AFDC, these regulation changes are required.
6. It is necessary to adopt these regulation changes on an emergency basis in order to implement the United States Supreme Court decision as soon as possible.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT 30-155
OR REHABILITATION LEADING TO EMPLOYMENT (Continued)

AFDC .7 A youth, age 16 through 20, who is not in school, shall be required to apply for and accept a bona fide offer of employment unless an educational plan is under active consideration for implementation within 90 days, or when employment is not feasible because of disability. (See Section 44-103.21.)

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .11 A parent, or youth, age 16 through 20, referred to WIN who does not have good cause for refusal to apply for or accept employment or training as defined in Section 30-157 and determined by the Department of Human Resources Development, shall be offered a 60-day counselling period to reconsider the refusal.

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .23 An AFDC youth, age 16 through 20, not in school and not referred to WIN, who does not have good cause for refusal to apply for or accept a bona fide offer of employment or training, renders himself ineligible for inclusion in the assistance grant. (See Sections 30-155.7 and 44-103.24.)

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**30-162 PERSONS APPROPRIATE FOR REFERRAL TO WORK INCENTIVE
PROGRAM (Continued)**

30-162

AFDC .2 AFDC Youth 16 through 20 Years of Age

All AFDC youth, age 16 through 20, who have left school or training within the past 30 days, who are not disabled, and who do not have current educational plans which will be implemented within 90 days, shall be referred promptly to WIN.

30-163 PERSONS NOT APPROPRIATE FOR REFERRAL TO WIN (Continued)

30-163

AFDC .3 A youth age 16 through 20 who is attending school full time or who will return to school within 90 days.

42-101 AGE REQUIREMENT (Continued)

42-101

AFDC .3 A child is eligible on the basis of age until his 18th birthday only if he is unmarried.

.31 Aid may be granted in behalf of a child if he is unmarried and between his 18th and 21st birthdays and is regularly attending school or a training program or if enrolled in an institution of higher education he must be:

.311 Attending regularly on a full-time basis (the equivalent of at least 12 units), and

.312 Achieving a combined quarter or semester average grade that is passing, and

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(Pursuant to Government Code Section 11380.1)

42-101 AGE REQUIREMENT (Continued)

42-101

AFDC

.313 Progressing in a manner which, if sustained, can reasonably be expected to lead to graduation and a capability of self-support.

42-103 DEFINITION OF REGULAR SCHOOL OR TRAINING PROGRAM ATTENDANCE (Continued) 42-103

AFDC

.2 Regular Attendance in a Training Program - Participation in a planned coordinated program of work experience, training (including apprenticeship training) and related instructions designed to prepare the child for a vocation. A child age 18 through 20 who accepts referral to WIN and otherwise meets conditions established for WIN participants is considered to meet the age requirement from the date of referral, even though actual enrollment in training is precluded by the lack of WIN training slots.

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued)

44-103

AFDC

.24 In AFDC, the parents and children age 16 through 20 years of age are also responsible for applying for or accepting a bona fide offer of employment under a plan of self-support established by the social services system (see Sections 30-153 and 30-155).

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(Pursuant to Government Code Section 11380.1)

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION
(Continued)

44-103

AFDC

.242 Refusal without good cause by a child age 16 through 20 years of age to apply for or to accept employment, when the child is not in school or has no bona fide educational plan under consideration for implementation within the next three months, shall make the child ineligible for aid and shall result in such child's removal from the family budget unit (see Section 44-213.56).

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

.51 Exclude a person who receives OAS, AB, APSB or ATD.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective July 26, 1972:

Section 42-101.32

- 42-105 - Definition of Disability
- 42-107 - Definition of Employed and Contributing to the Family
- 44-213.51
- 44-213.53
- 44-213.55
- 44-213.56

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(Pursuant to Government Code Section 11380.1)

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(Gov. Code 11380.2)
JUL 26 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 26, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 26 1972

At 4:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Murphy K. Strahberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-207.212d

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Recipients of public assistance under the adult aid categories are entitled to an increase of up to 20 percent over the normal maximum allowances for housing and utilities if the housing is especially constructed for the aged and meets the conditions specified in EAS Manual Section 44-207.212.
2. One of these conditions is that the rental charge may not exceed \$90 for unshared housing or \$70 for shared housing.
3. Certain recipients now receiving this increased allowance will have their public assistance grants reduced because their rental charge will be raised above the maximum amounts permitted under EAS Manual Section 44-207.212.
4. In order to prevent this imminent grant reduction and avoid this potential hardship on the affected recipients, it is necessary to adopt these regulation changes on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING
ARRANGEMENT - OWN HOME (Continued)

44-207

AB
ATD
OAS

.212 Housing Especially Constructed for the Aged (Continued)

- d. The rental charge, including minimum utilities for the unit occupied by the recipient, does not exceed \$93 for unshared housing of \$72 for the recipient's share of the charge in shared housing.

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(Pursuant to Government Code Section 11380.1)

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JUL 28 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 28, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 28 1972

At 4:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-209.5

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Public assistance payments to recipients of OAS, ATD, and AB who reside in out-of-home care facilities were adjusted in accordance with cost-of-living increases effective April 1, 1972.
2. Receipt of an opinion from the California Attorney General has indicated that such increases are to be made proportionate to the components making up the entire assistance payment.
3. Therefore, it is necessary to adopt the regulation amendment set forth above as an emergency measure with an effective date of July 28, 1972 in order to establish the proper distribution of the total cost-of-living increase to each component of the public assistance grants which are affected.

The amendment described above must, therefore, be adopted as an emergency measure to become effective on July 28, 1972.

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CONTINUATION SHEET
I FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE FACILITIES (Continued) 44-209

AB
ATD
OAS

5 Determination of Need — Recipient in Group I or Group II Nonmedical Board and Care Facility

Need of the recipient who is classified for Group I or Group II care is determined as set forth below in relation to the level of care he requires and receives. Special needs are not allowed.

| Need Items | Group I Minimum to Moderate Care and Supervision | Group II Extensive care and Supervision |
|---|--|---|
| A. Board, room, personal care and supervision. Allow charge for care* <u>not to exceed</u> Components of maxima 1) Shelter and utilities 2) Food 3) Personal care and supervision, including minimum basic services normally required for licensing. | \$172.00 | \$197.00 |
| B. Personal and Incidental Needs** (Personal expenses, transportation, recreation, etc.) | \$ 39.00 | \$ 25.00 |
| C. Clothing, dry cleaning, extra laundry, shoe repair and other similar needs not normally provided by the facility. | \$ 15.00 (50¢ per day) | \$ 15.00 (50¢ per day) |
| D. Totals — Based on <u>maxima</u> for board, care and supervision. | \$226.00 | \$237.00 |

* If the charge per month exceeds the specified ceiling, see Section 44-111.422 c.

** If these needs are provided in whole or in part by the facility for an additional service charge, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

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(Pursuant to Government Code Section 11380.1)

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AUG 4 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

AUG 4 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated:

AUGUST 4, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 4 - 1972

At 5:02 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *[Signature]*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 41-407

41-440.21

41-440.22

Repeal:

Chapter 30-150 (Sections 30-151 through 30-169)

New:

Chapter 30-150 (Sections 30-151 through 30-158)

Section 10-201.4

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**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Public Law 92-223 requires the establishment of new procedures, including registration, for all employable AFDC applicants and recipients.
2. Public Law 92-223 became effective July 1, 1972.
3. The Department of Health, Education, and Welfare and the Department of Labor published regulations implementing Public Law 92-223 on June 20, 1972.
4. In view of the wide scope of the federal regulations, it is necessary to substantially revise and renumber existing state regulations relating to employment, manpower and training services as part of the integration of state regulations implementing Public Law 92-223.
5. In order to permit counties to apply these new state requirements to existing AFDC cases and to AFDC applicants during the month of August, 1972, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes herein set forth are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

10-201 ORGANIZATION (Continued)

10-201

AFDC .4 Separate Administrative Unit for Certification for Employment, Manpower
Services and Training

to provide

Each county shall establish a Separate Administrative Unit
or arrange for self-support services for
/employable AFDC applicants and recipients.

This requirement is not applicable in counties
where there is no Department of Human Resources Development office or
where the Director of the State Department of Social Welfare has
determined that the AFDC caseload is too small.

CHAPTER 30-150 EMPLOYMENT, MANPOWER, AND TRAINING SERVICES

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151

AFDC .1 Registration Requirement

All AFDC recipients who are not exempted under Sections 41-407 and 41-440
shall register with the Department of Human Resources Development.

.2 Registration Interview

Registration shall include a registration interview conducted at the
Department of Human Resources Development office. A work application
shall be completed and a self-support plan shall be concurrently developed
when the Separate Administrative Unit is located with the Department of
Human Resources Development. Otherwise, the Department of Human Resources
Development shall complete the registration record; but the county and the
Department of Human Resources Development shall jointly develop the
self-support plan.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)

AFDC .3 Registrant's Reporting Requirement

In counties where there is an Employables Section,

.31/ all registrants other than WIN participants shall report, at least once every two weeks, pursuant to instructions by the Employables Section of the Department of Human Resources Development.

.32 A WIN participant is a registrant who has been certified to WIN and who is actively engaged in a WIN component.

.33 In counties where there is no Employables Section, each registrant who is not a WIN participant shall submit to the county a written report of his efforts to conduct a job search including a statement that he has not refused employment or training (including WIN or MDTA). This completed report shall be delivered or postmarked within 14 calendar days after delivery of each warrant. Where a report is required, the county shall notify each employable person of the reporting requirement and provide the family with the necessary copies of the report form so that each employable person may submit his individual report.

.34 Good cause for failure to meet reporting requirements exists if the registrant establishes that he was prevented from reporting on the date and time he was scheduled to report due to one or more of the following:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)AFDC

.341 He was mentally or physically incapacitated.

.342 He was ill or required to care for an ill or incapacitated member of his immediate family and no other care arrangements are feasible.

.343 Child care was unavailable.

.344 He was employed or was actively participating in an education or training program approved by the state or county.

.345 He was without transportation due to circumstances beyond his control, and was without other means of meeting reporting requirements.

.346 He had other substantial and compelling reasons for failure to report.

.4 Medical Examination to Determine Employment Readiness

.41 Where certification or referral to employment, manpower services, or training, including a Community Work Experience Program (CWEP) activity is planned, the Employables Section of the Department of Human Resources Development shall assess the need for a medical examination and assure that one is provided if adequate medical information is not available.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)

AFDC .42 Necessary restorative medical services directly related to
improving the recipient's employability may be provided by other
programs such as vocational rehabilitation and Title XIX (Medi-Cal).

.5 The Separate Administrative Unit (SAU)

Except in counties in which there is no Department of Human Resources
Development office or where the Director of the State Department of
Social Welfare has determined that the AFDC caseload is too small to
justify a SAU, each county shall establish a SAU.

To the maximum extent feasible, the SAU shall comprise full-time staff
who shall provide services only in connection with the manpower services
of the Department of Human Resources Development to individuals required
to register under Section 30-151.1. A sufficient number of service
workers shall be assigned to the SAU to provide the services required
by Section 30-151.1. Insofar as the Department of Human Resources
Development has space available, the SAU shall be located with the
Department of Human Resources Development staff providing manpower
services to registrants and shall be under the functional supervision
of the Department of Human Resources Development.

In counties which have entered with the Department of Human Resources
Development into a Contract for Employables Program, the Employables
Section is designated as the SAU.

The SAU shall:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)AFDC

- .51 Participate with the Department of Human Resources Development in developing employment plans for individuals registered under Section 30-151.1. The employment plan shall contain a definite employment goal attainable in the shortest time period consistent with the participant's qualifications, project resources, and job market opportunities.
- .52 Develop a self-support service plan which shall include such services as are necessary to accomplish the employment plan or enable the individual to accept employment, manpower services or training. Such self-support services are limited to:
- .521 Child care, family planning, health-related services, home management and other functional educational services, housing improvement services, and transportation as needed to make self-support services accessible;
- .522 Selected vocational rehabilitation services, as defined in the Vocational Rehabilitation Act, which cannot otherwise be funded by the Department of Rehabilitation; and
- .523 Employment-related medical and remedial care and services not included under Title XIX of the Social Security Act nor otherwise available under any other federally assisted program.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)

AFDC

.53 Provide or arrange for provision of such self-support services as are requested by the Department of Human Resources Development to enable registrants to accept employment or to participate in manpower service or training. Under this requirement:

.531 In the case of a mandatory registrant, suitable child care which meets the standards specified in Section 30-350 shall be provided if needed. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available.

.532 In the case of a voluntary registrant, necessary child care shall be provided, if available. The Department of Human Resources Development may deregister any voluntary registrant who refuses to accept available child care.

.54 Complete a self-support services plan for each registrant prior to certification.

.55 Certify within 30 days after receipt of aid that all federally eligible AFDC-U fathers registered under Section 30-151.1 are ready for employment or training under WIN.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES, OR TRAINING 30-151
(Continued)

AFDC

- .56 Also certify upon request by the Department of Human Resources Development registrants other than AFDC-U parents when the self-support services plans have been completed.
- .57 Certify parents applying for AFDC-U at the time of the registration interview in instances where the SAU is located with the Department of Human Resources Development. Certification shall be withdrawn if it is determined that the individual is not eligible for AFDC-U.
- .58 Provide the counseling and other services specified in Section 30-155.4 to individuals certified to WIN who have been determined by the Department of Human Resources Development to have refused without good cause employment or participation in WIN.

30-152 JOB SEARCH REQUIREMENTS 30-152

AFDC

.1 Requirement to Conduct a Job Search

As a part of complying with the requirements set forth in Section 41-407.11, each registrant shall conduct an adequate job search in accordance with the instructions of the appropriate supervising agency - the county or the Department of Human Resources Development.

.2 Inadequate Job Search

An inadequate job search is one in which the registrant fails to follow the job search instructions or has materially reduced his attachment to the labor market by discouraging prospective employers from hiring him. Such action includes, but is not limited to, the following:

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30-152 JOB SEARCH REQUIREMENTS (Continued)

30-152

AFDC

- .21 Wilfully presenting a negative attitude upon applying for a job.
- .22 Misrepresenting qualifications, physical condition or health when applying for a job.
- .23 Voluntary personal appearance factors or bizarre mode of dress shown not to be acceptable to prospective employers in light of the labor market of the registrant.

.3 Good Cause for Failure to Conduct an Adequate Job Search

Good cause for failure to conduct an adequate job search exists if the registrant establishes that he was prevented from so doing on the days that he was required to conduct a job search because:

- .31 He was employed in bona fide employment more than 20 hours during that week, had a definite offer of full-time employment to start within 14 calendar days of the job search interview, or had a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the job search interview.
- .32 He was prevented due to physical or mental incapacity.
- .33 He was ill or required to care for an ill member of the immediate family and no other care arrangements were feasible.

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30-152 JOB SEARCH REQUIREMENTS (Continued)

30-152

AFDC

.34 Child care was unavailable.

.35 He was claiming UIB and meeting the seek-work requirements under Section 1253(e) of the Unemployment Insurance Code.

.36 He was actively participating in an education or training program approved by the state or county.

.37 He had other substantial and compelling reasons for failure to conduct a job search.

30-153 REQUIREMENTS FOR PARTICIPATION IN COMMUNITY WORK EXPERIENCE

30-153

AFDC

.1 Objectives of the Community Work Experience Program

The Community Work Experience Program (CWEP) set forth in the Welfare Reform Act of 1971 (Welfare and Institutions Code Sections 11325 through 11327) is a demonstration project approved by the Department of Health, Education, and Welfare. Its purpose is to assist registrants to become job ready by giving them the opportunity to learn new skills, gain valuable work experience and develop a work history. Appropriate registrants in counties designated by the Director of the Department of Human Resources Development shall participate in the Community Work Experience Program as a condition of their eligibility. Such registrants shall not receive a wage for participating in CWEP activities.

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30-153 REQUIREMENTS FOR PARTICIPATION IN COMMUNITY WORK EXPERIENCE 30-153
(Continued)

AFDC .2 Definitions

.21 Participation in CWEP

"Participation" in the Community Work Experience Program includes appearing as directed by the Department of Human Resources Development for assignment to a CWEP activity; accepting a CWEP activity; performing reasonable assignments to the best of the participant's ability; and neither without good cause leaving a CWEP activity nor being discharged from a CWEP activity for misconduct.

.22 Discharge for Misconduct

A discharge shall be for misconduct if the Department of Human Resources Development determines that the CWEP participant wilfully failed to perform to the best of his ability, failed to follow the reasonable instructions of the user agency or wilfully acted or conducted himself in a way that tended to injure the user agency.

.3 Community Work Experience Activities

A CWEP activity shall:

- a. Be conducted under contract with a public agency or a nonprofit, charitable organization organized for a public nonpolitical purpose which has signed a user agency agreement approved by the Department of Human Resources Development.

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30-153 REQUIREMENTS FOR PARTICIPATION IN COMMUNITY WORK EXPERIENCE 30-153
(Continued)

AFDC

- b. Serve a useful public purpose which would not otherwise be accomplished in such fields as health, education, environmental protection, urban and rural development and redevelopment, public safety, recreation, public facilities, social services, and welfare.
- c. Provide appropriate standards for health, safety, or other conditions applicable to the performance of work, including workmen's compensation insurance.
- d. Not include positions covered by a collective bargaining agreement.
- e. Not result in displacement of persons currently employed or in the filling of established unfilled position vacancies.
- f. Not require a CWEP participant, without his consent, to remain away from home overnight.
- g. Not require a CWEP participant, without his consent, to travel an unreasonable distance from home.
- h. Not require a CWEP participant to work:
 - (1) In excess of eight hours during any one calendar day.
 - (2) In excess of eighty hours during any calendar month.

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(Continued)**

AFDC

(3) For a period of time which would result in a total number of hours per month, which if compared to the amount of the grant, in relation to the state or federal minimum wage, whichever is higher, would result in a ratio that would be less than such minimum wage.

- i. Not result in any additional cost to a CWEP participant.
- j. Not include a position vacant due directly to a bona fide strike or lockout.
- k. Utilize to the extent possible CWEP participant's prior training, experience and skills.
- l. Not require as a condition of accepting the work experience activity or continuing in the work experience activity the individual to join a company union or to resign from or refrain from joining any bona fide labor organization.

.4 Requirement to Participate in the Community Work Experience Program

A registrant shall participate in CWEP activities if he is not:

- .41 A WIN participant.
- .42 Under 17 years of age.
- .43 The mother of a child the age of six years or under in the home.

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30-153 REQUIREMENTS FOR PARTICIPATION IN COMMUNITY WORK EXPERIENCE 30-153
(Continued)

AFDC .5 Good Cause for Failure to Participate

Good cause for voluntarily leaving, failing to appear as directed, failing to accept or failing to perform an assignment to a Community Work Experience Program activity shall exist if the participant establishes any of the following:

.51 The activity does not meet the requirements of Section 30-153.3.

.52 The activity is in excess of his physical or mental capacity.

.53 He is actively engaged in an education or training program approved by the state or county.

.54 He is employed in bona fide employment at the time he is to perform a CWEP activity or is employed more than 20 hours during that week in bona fide employment.

.55 She is a mother responsible for the care of a child over the age of six (6) years in the home, if suitable child care is not available.

.56 He is ill or required to care for an ill member of the immediate family and no other care arrangements are feasible.

.57 Due to changes of circumstances, he is unemployable.

.58 Participation in the activity conflicts with the imminent likelihood of bona fide employment.

.59 Participation in the activity interferes with an existing job or job interview.

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30-154 GOOD CAUSE FOR REFUSAL TO ACCEPT EMPLOYMENT, MANPOWER
SERVICES OR TRAINING

30-154

AFDC .1 Criteria for Good Cause

Good cause for failing to accept employment or training exists if the individual establishes that:

- .11 The employment or training is in excess of his physical or mental capacity.
- .12 The employment or training violates applicable health and safety laws and regulations.
- .13 The wage offered for employment is less than the applicable state or federal minimum wage, whichever is higher.
- .14 The job is available due directly to a bona fide strike or lockout and was not vacated by the individual.
- .15 Acceptance of the employment will preclude completion of a job training or educational program approved by the state or county.
- .16 He is ill or required to care for an ill member of the immediate family and no other care arrangements are feasible.
- .17 Child care arrangements cannot be made.

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30-154 GOOD CAUSE FOR REFUSAL TO ACCEPT EMPLOYMENT, MANPOWER
 SERVICES OR TRAINING (Continued)

30-154

AFDC .2 Responsibility for Good Cause Determination

.21 Where the registrant is required to report to the Department of Human Resources Development pursuant to Section 30-151, the Department of Human Resources Development shall determine whether there was good cause for failure to:

.211 follow reporting instructions (Section 30-151.3); or

.212 conduct an adequate job search (Section 30-152); or

.213 accept employment or training (Section 41-407.4); or

.214 participate in the Community Work Experience Program
 (Section 30-153.4).

.22 Pursuant to Section 30-154.213 above, where the registrant who is certified as being ready for employment or training under WIN refuses to accept employment or to participate in WIN, the Department of Human Resources Development shall determine whether or not there was good cause. Any appeal of the Department of Human Resources Development determination regarding good cause shall be conducted by the California Unemployment Insurance Appeals Board in accordance with the Department of Labor regulations.

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30-154 GOOD CAUSE FOR REFUSAL TO ACCEPT EMPLOYMENT, MANPOWER
SERVICES OR TRAINING (Continued)

30-154

AFDC

.23 Except as provided in Section 30-154.22 above, the Department of Human Resources Development shall determine the absence of good cause and shall notify the county of such finding. The county shall be bound by the determination of the Department of Human Resources Development. Within five working days of receipt of the notice, the county shall determine the appropriate sanction and notify the recipient and the Department of Human Resources Development of its determination. However, failure to give notice within the prescribed period shall not affect the validity of the proceedings. If the recipient requests a fair hearing, the hearing shall be conducted by the State Department of Social Welfare. The State Department of Social Welfare shall advise the recipient, the authorized representative, the Department of Human Resources Development, and the county of the time and place of the fair hearing. If, prior to a fair hearing, the fair hearing request is withdrawn, the county shall promptly notify the Department of Human Resources Development and the State Department of Social Welfare in writing of the action taken and the basis for the action. A copy of any decision following a fair hearing shall be mailed to the recipient, the authorized representative of the recipient, the Department of Human Resources Development, and the county.

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30-155 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT, MANPOWER 30-155
SERVICES, OR TRAINING (Continued)

AFDC .2 Refusal to Report

AFDC eligibility is affected as follows when an individual without good cause refuses to report as required by Section 30-151.3 or fails to conduct an adequate job search as required by Section 30-152:

- .21 In the case of an AFDC-U parent or AFDC caretaker mother who is not a WIN participant, the family is ineligible for aid.
- .22 In the case of an AFDC youth who is not a WIN participant, the youth is ineligible for aid. If the AFDC youth was the only eligible child in the family, aid to the family shall be discontinued.
- .23 In the case of a WIN participant, the WIN sanction applies (see Section 30-155.4).

.3 Refusal to Accept Employment, Manpower Services, or Training by an
Uncertified Recipient

AFDC eligibility is affected as follows when an individual who is not certified as being ready for employment or training under WIN without good cause refuses to accept employment or training:

- .31 In the case of an AFDC-U parent or AFDC caretaker mother, the family is ineligible for aid.
- .32 In the case of an AFDC youth, the youth is ineligible for aid. If the AFDC youth was the only eligible child in the family, aid to the family shall be discontinued.

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30-155 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT MANPOWER
SERVICES, OR TRAINING (Continued)

30-155

AFDC .4 Refusal to Accept Employment, Manpower Services, or Training by a
Certified Recipient

The WIN sanction shall be applied when an individual who is certified as being ready for employment or training under WIN refuses without good cause to accept employment or to participate in WIN, as follows:

- .41 Within seven days after receipt of the adverse decision following an appeal pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code or within seven days after the refusal if no appeal is filed, the county shall notify the individual of the availability of counseling for up to 60 days to reconsider his refusal. The 60-day period shall begin upon the mailing of the notice.
- .42 If the individual has previously been determined to have without good cause refused to accept employment or to participate in WIN and has been counseled, he will not be eligible for a second period of counseling, unless warranted by unusual circumstances.
- .43 Where the individual is an AFDC-U parent, his needs shall be taken into account in determining family need, and his family shall be provided assistance in the form of protective or vendor payments during the period he is eligible for and continues to accept counseling. If he refuses to accept counseling or if at the end of 60 days he continues to refuse to accept employment or to participate in WIN, the county shall delete him from the Family Budget Unit

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30-155 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT, MANPOWER 30-155
SERVICES, OR TRAINING (Continued)

AFDC

at the end of the month in which he refuses counseling or the 60-day period terminates. If the individual is not eligible for counseling, the county shall delete him from the Family Budget Unit after receipt of the adverse decision following an appeal pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code or within seven days after the refusal if no appeal is filed. The remainder of the Family Budget Unit shall continue to be eligible to receive assistance in the form of protective or vendor payments.

Where the individual is a caretaker mother or an AFDC youth, his needs shall be continued during the period he is eligible for and continues to accept counseling. If he refuses to accept counseling or if at the end of 60 days he continues to refuse to accept employment or to participate in WIN, the county shall delete him from the Family Budget Unit at the end of the month in which he refuses counseling or the 60-day period terminates. If the individual is not eligible for counseling, the county shall delete him from the Family Budget Unit after receipt of the adverse decision following an appeal pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code or within seven days after the refusal if no appeal is filed. If the AFDC youth was the only eligible child in the family, aid to the family shall be terminated.

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30-155 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT, MANPOWER 30-155
SERVICES, OR TRAINING (Continued)

AFDC .5 Failure to Participate in CWEP

If the individual fails without good cause to participate in the Community Work Experience Program, he will be deleted from the Family Budget Unit.

The sanction shall be applied at the end of the month in which the disqualifying act occurs. If the county is unable to discontinue aid at the end of such month because the 15-day advance notice period has not yet expired, aid shall be discontinued effective on the next installment delivery date. The period of disqualification shall commence on the date of discontinuance and shall be:

.51 three months.

.52 six months if the individual had previously been disqualified under this section.

.53 twelve months if the individual had previously been disqualified two or more times under this section.

30-156 COSTS OF SUPPORTIVE SERVICES RELATED TO EMPLOYMENT, 30-156
MANPOWER SERVICES OR TRAINING

AFDC .1 Non-WIN, Non-CWEP Participants

Except for individuals participating in WIN or CWEP, the responsibility of the county for meeting service-connected expenses is met when the necessary services listed in Section 30-151.512 have been provided.

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30-156 COSTS OF SUPPORTIVE SERVICES RELATED TO EMPLOYMENT,
MANPOWER SERVICES, OR TRAINING (Continued)

30-156

AFDC .2 WIN Participants

- .21 For persons participating in WIN Institutional and Work Experience Training, the Department of Human Resources Development shall meet the costs of training-related expenses other than child care.
- .22 For persons participating in WIN On-the-Job Training and Public Service Employment, expenses of participation other than child care shall be allowed as deductions from income. These allowances are the same as those allowed for work-related expenses (see Section 44-113.231).
- .23 For persons participating in WIN, the reasonable and necessary cost of obtaining child care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. The amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. This expense shall be met from administrative funds only and shall be paid on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for these expenses to enable the trainee to begin and remain in the training program. The payment shall be adjusted to meet the actual allowable expenses incurred upon receipt of an expense claim.

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30-156 COSTS OF SUPPORTIVE SERVICES RELATED TO EMPLOYMENT,
MANPOWER SERVICES OR TRAINING (Continued)

30-156

AFDC .3 CWEP Participants

CWEP participants shall be entitled to allowance for expenses related to participation in a CWEP activity. Such expenses shall include:

.31 If the transportation is not provided by the county or user agency, expenses for transportation to and from his home and the CWEP activity:

.311 Actual cost of public transportation (bus, train, streetcar), if the county determines that it is available to the CWEP participant.

.312 If public transportation is not available, the actual amount contributed to the owner or driver of a vehicle who provides the participant with transportation, not to exceed six (6) cents per mile.

.313 If neither public transportation nor car pool arrangements are available, and the CWEP participant uses his own motor vehicle, twelve (12) cents per mile less any amount contributed by another participant who rides with him.

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30-156 COSTS OF SUPPORTIVE SERVICES RELATED TO EMPLOYMENT
MANPOWER SERVICES OR TRAINING (Continued)

30-156

AFDC

- .32 Reasonable and necessary cost of obtaining child care when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. The amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.
- .33 The actual cost of additional food, clothing and personal incidentals required solely for CWEP participation, to the extent such costs are determined by the county to be reasonable and necessary.
- .34 The CWEP participant shall bear the full burden of justifying the existence of and need for all costs under this section. These expenses shall be met from administrative funds only and shall be paid on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for these expenses to enable the participant to begin and remain in the program. The payment shall be adjusted to meet the actual allowable expenses incurred upon receipt of an expense claim.

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30-157 COUNTY RESPONSIBILITIES IN RELATION TO THE WIN PROGRAM

30-157

AFDC .1 WIN Interview

When a personal interview is arranged, the WIN Section of the Department of Human Resources Development shall notify the recipient and the county simultaneously. If the recipient fails to keep his scheduled interview, the WIN Section shall arrange a second appointment. Upon receipt by the county of the notice of failure to report for an initial interview, the county shall explore the reasons for this and assure the keeping of the second appointment.

.2 Continuous Coordination, Cooperation, and Planning

There shall be continuous coordination, cooperation, and planning between the county and the WIN Section during the entire WIN process.

.3 Administrative Requirements

The county welfare department shall:

- .31 Appoint an official representative(s) to maintain liaison and coordination with the Department of Human Resources Development, assure interagency cooperation, clarify policies and procedures and resolve problems related to such issues. Such representative(s) should be above the case-carrying level and high enough in the administration to make decisions promptly.

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30-157 COUNTY RESPONSIBILITIES IN RELATION TO THE WIN PROGRAM
(Continued)

30-157

AFDC

- .32 Appoint a member of the social service supervisory staff as the social service member of the WIN Case Review Committee.
- .33 Arrange for staff training, particularly with respect to provision of services related to WIN.
- .34 Assist in the selection of the recipient member of the Case Review Committee.
- .35 Assure that appropriate controls exist within the Social Services system to identify referrals made to WIN; to ensure that the department fully meets its responsibilities to refer; and to secure feedback on the results of referral. This includes gathering statistical information helpful in program evaluation.

.4 Continuation of Services

Assignment by WIN shall assure continuation of public social services until the completion of the WIN program even though eligibility for AFDC terminates.

.5 Return of Deregistered Individual

In the event an individual is deregistered from WIN and remains eligible for assistance, the county shall promptly reassume payment of assistance in those situations in which that responsibility was previously delegated to the Department of Human Resources Development.

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30-158 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM FOR
EMPLOYMENT, MANPOWER, TRAINING AND REHABILITATION SERVICES

30-158

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- .1 Where there is no SAU or referral to the SAU is not applicable and an individual is referred to the Social Services system, a plan of self support shall be developed for each member of the recipient family for whom there is a reasonable expectation of immediate involvement in employment or rehabilitation training. To assure that the self-support service plans are implemented effectively, they shall be reviewed at least annually. (See Section 10-304.3.) The plan shall make provision for:
- .11 The self-support services necessary to deal with personal and family barriers which prevent or limit the individual in his use of training and in his achievement of stable employment.
- .12 The utilization, where feasible, of public and private agencies in the fields of vocational rehabilitation, health, vocational and other education, including special attention to the capabilities of rehabilitation centers and workshops, community action agencies, neighborhood centers, and similar organizations.

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41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES, 41-407
OR TRAINING

AFDC .1 Employment Requirement

An applicant or recipient who is determined to be employable in accordance with Section 41-407.2 or .3 below and who is not employed:

- .11 shall demonstrate to the satisfaction of the county that he has been and is available for and actively seeking employment; and
- .12 shall not during 30 consecutive calendar days immediately prior to the beginning date of aid, or while in receipt of aid, have refused without good cause to apply for or accept a bona fide offer of employment meeting any applicable minimum wage requirement. Determination of good cause shall be made in accordance with Section 30-154.

.2 Requirement to Register With the Department of Human Resources Development

To be eligible for AFDC all individuals shall register with the Department of Human Resources Development for employment, manpower services or training. If the individual is not an AFDC-U parent, he may be exempt from such registration when he is:

- a. A child who is under age 16; or
- b. A child over 16 but under 21 years of age who is in school full time; or
- c. Ill with medical evidence that the illness or injury temporarily prevents entry into employment or training; or
- d. Incapacitated as determined by the Department of Human Resources Development. or
- e. 65 years of age or older; or

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41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES, 41-407
OR TRAINING (Continued)

AFDC

- f. Residing at a location which is too remote from a work incentive project. Work incentive project is defined as a Department of Human Resources Development facility which provides employment, manpower services or training; or
- g. A caretaker whose presence in the home is required on a substantially continuous basis because of the illness or incapacity of another member of the household; or
- h. A mother or other caretaker relative of a child under age 6; or
- i. A mother or other female caretaker of a child if the father or other adult male relative in the home is not exempt from registration and is registered and has not refused without good cause to participate in a work incentive program or to accept employment.

.3 County Responsibilities for Referral of Potential Registrants
to the Department of Human Resources Development

- .31 Applicants for AFDC or current nonregistered AFDC recipients at time of redetermination of eligibility for benefits, will be referred by the county to the Department of Human Resources Development for registration for employment, manpower services, and training, unless the county determines that the individual is exempt because he is:

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41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES, 41-407
OR TRAINING (Continued)

AFDC

- .311 A child under the age of 16; or
- .312 A child over 16 but under 21 years of age who is in school full time; or
- .313 65 years of age or older; or
- .314 Residing at a location which is too remote from the work incentive project. Work incentive project is defined as a Department of Human Resources Development facility which provides employment, manpower services, or training; or
- .315 The mother or caretaker relative of a child under 6 years of age.
- .32 The county shall advise each mother who is exempt because she has a child under 6 years of age that she may register for employment, manpower services, or training. The county will inform her of child care services (if any) which will be available to her in the event she chooses to register.
- .33 The Department of Human Resources Development shall register eligible individuals referred by the county unless they are exempt under Section 41-407.2.
- .34 The county shall notify applicants who are denied assistance because of failing to register for employment, manpower services, or training but who claim to be exempt from registration of their right to a fair hearing.

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41-407

REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES,
OR TRAINING (Continued)

41-407

AFDC

.35 The county shall make periodic reviews at least quarterly of individuals determined to be exempt from registration. When it is determined that the individual is no longer exempt, he will be referred to the Department of Human Resources Development for registration. If the Department of Human Resources Development finds that the individual is still exempt, the individual shall not be required to register as a condition of eligibility.

.4 Requirement for Registrants to Accept Employment, Manpower Services, or Training

As a condition of eligibility for AFDC, all registrants shall accept employment, manpower services or training when offered in accordance with Chapter 30-150 unless there is good cause for refusal. Determination of good cause shall be made in accordance with Section 30-154.

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41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC

- .21 Shall be registered with the Department of Human Resources Development for employment, manpower services, or training. Assignment of an individual to WIN training or requiring participation of more than the number of hours specified in this section, shall not be cause for denial or discontinuance of AFDC.
- .22 Shall be referred to, accepted for, or participating in any of the following: WIN, ETS, and MDTA projects; Job training programs approved by the Director of the State Department of Social Welfare; WIN equivalent projects established as part of an ongoing manpower development program under provisions of the Economic Opportunity Act and Title I, Elementary and Secondary Education Act.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective

AUG 4 1972

| | |
|----------------|--|
| Section 30-151 | Objectives of Employment and Rehabilitation Services |
| Section 30-152 | Responsibilities of the Social Services System for Employment and Rehabilitation Services |
| Section 30-153 | Costs of Supportive Services Related to Obtaining and Retaining Employment or Rehabilitation Leading to Employment |
| Section 30-154 | Medical Examinations to Determine Employment Readiness |
| Section 30-155 | Requirements for Referral of AFDC Recipients to Employment or Rehabilitation Leading to Employment |
| Section 30-156 | Refusal to Apply for or Accept Employment or Training Leading to Employment |
| Section 30-157 | Determination of Good Cause for Refusal to Apply for or Accept Training or Employment |
| Section 30-158 | Penalty for Refusal to Cooperate Without Good Cause |
| Section 30-159 | Community Work Experience Program |
| Section 30-160 | Work Incentive Program |
| Section 30-161 | Objectives |
| Section 30-162 | Persons Appropriate for Referral to Work Incentive Program |
| Section 30-163 | Persons not Appropriate for Referral to Work Incentive Program |
| Section 30-164 | WIN Referral Procedure |
| Section 30-165 | Enrollment in the WIN Program |
| Section 30-166 | County Administrative Responsibility in Relation to the WIN Program |
| Section 30-167 | Effect of WIN on Eligibility for Public Social Services |
| Section 30-168 | Refusal to Apply for or to Accept Employment or Training Without Good Cause |
| Section 30-169 | Return of Referral to County Welfare Department |

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 16 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
AUG 16 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: AUG. 16 1972

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 16 1972

At 10:15 o'clock 11 A.M.

EDMUND G. BROWN, Jr., Secretary of State

By [Signature]
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-113.1
44-265.212
44-315.412

New:

Section 44-115.62
44-115.95

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Litigation is pending in Shasta County Superior Court concerning how AFDC grants are to be computed for families which include an unborn child.
2. The Director of Social Welfare filed a declaration advising the court that he had directed the preparation of regulation revisions to ensure that AFDC grants take income in kind into account when family budget units are increased to include an unborn child and to ensure that a grant reduction would not result because of the addition of an unborn child to the family budget unit.
3. These regulation revisions conform to the declaration by clarifying the regulations concerning in-kind income, including specific provisions for AFDC cases which include an unborn child.
4. It is necessary to adopt these regulation changes on an emergency basis to permit uniform application of these in-kind income regulations as soon as possible as contemplated by the court.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT

43-113

AFDC .1 Parents - General

Parents, including the father not married to the mother, are responsible to the extent of their ability for the support and care of their children, natural or adopted. This responsibility continues even though the parent is not living with his family, the marriage has been legally dissolved, the parents are not married, the child becomes pregnant, or there has been a court order removing the children from the parents' custody. However, responsibility for parental support ceases if relinquishment for adoption has been signed, unless and until the relinquishment has been terminated.

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC .62 Minor Residing with Parent(s)

.621 When the FBU consists of a minor parent and her children residing with her parent(s), in-kind values for housing, utilities, food and clothing for the minor parent shall be deducted as in-kind income, provided that her parent(s) are providing all or some of these needs. Additional in-kind deductions shall be made for an unborn child in accordance with Section 44-115.95 and for other children in accordance with Section 44-115.61.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC .95 Unborn Child Included in the FBU

When an unborn child is included in the FBU, the in-kind deduction shall be the total of the amounts by which the above in-kind values for housing, utilities, food and clothing are increased as a result of including the unborn in the FBU.

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric — high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.412 Round to the nearest dollar the net nonexempt income (Section 44-100), including in-kind income, with amounts of 50 cents or more rounded to the next higher dollar figure.

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FACE SHEET
F FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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ENDORSED
APPROVED FOR FILING
v. Code 11380.2)
AUG 17 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 16, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 17 1972

At 10:15 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State

By: *Margaret R. Bushkewich*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.2
44-113.2
31-204

Repeal:

Section 44-113.25
44-114

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 28.1 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) established new statutory requirements concerning work-related expenses.
2. Subsequent to the enactment of this law, the case of Conover et al. v. Hall et al. was filed in the Superior Court of Sacramento County. This case relates to the provisions of Section 28.1.
3. The Director of Social Welfare has, since the enactment of the Welfare Reform Act of 1971, adopted emergency regulations implementing Section 28.1 and a preliminary injunction issued in the case of Conover et al. v. Hall et al.
4. Emergency regulations relating to work-related expenses have also been adopted to prevent undue hardship upon affected recipients and to equitably adjust the reimbursement or deduction of necessary costs of transportation.
5. It is necessary to continue in force by the adoption of these emergency measures the work-related expense regulations previously adopted to permit counties to continue allowing the deduction of work-related expenses as provided by federal law and regulation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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R FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.2 Exemption of Earned Income — General

ATD
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued)

44-113

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MN

.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 - Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

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ATD
OAS
AFDC

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

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 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

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 AFDC

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

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OAS
AFDC

AB
APSB
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.22 Earnings of Ineligible Spouse

Net income received by an ineligible spouse from his own earnings is computed as follows:

- .221 Determine gross income from such earnings.
- .222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

- .223 Any remainder is considered net income of the spouse.

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

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- .23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

- (a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

- (b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

- (c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

- (d) Transportation — The necessary costs of transportation to and from work shall be allowed as follows:

(1) If the recipient uses his own motor vehicle — 12 cents/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12 cents/mile, the excess shall be net nonexempt income to the recipient.

(2) If the recipient rides in a private motor vehicle other than his own — the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6 cents/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or streetcar), if the county determines that it is available to the recipient.

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 (Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

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 APSB
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 AFDC

.232 Nonpersonal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d) above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses — The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

.24 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

.241 Court-Ordered Support Payment by Natural Parent

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

.242 Child's Income

Only the amounts exempted under Section 44-111.23 and 44-111.24 may be deducted from a child's income.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

AFDC

ATD

AB

OAS

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

.1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service.

.2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution.

.3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary.

.4 Meet the allowable cost of expenses incurred by a participant in meeting the requirements of the program, if not provided by other agencies. Allowance for such expenses shall be the same as that outlined in Section 30-15, plus the reasonable and necessary costs of tuition, books, tools, and other supplies required by the program. The expenses shall be met from administrative funds only.

.5 Assign a social worker to give support to the recipient and the family of the recipient in each instance, in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.

.51 The decision that social services are not required shall be substantiated in the case record.

.52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.

.6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective **AUG 17 1972**

Section 44-113.25 Other Deductions from Net Income

Section 44-114 DETERMINATION OF WORK RELATED TRANSPORTATION
EXPENSES

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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AUG 17 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

AUG 17 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 16, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 17 1972

At 10:15 o'clock A.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Meripie R. Kershner*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 10-036.5
30-265.2
30-265.3
40-125.25
42-503.1
42-503.5

Section 42-505.2
42-505.21
42-511
44-209.1
44-209.2
44-209.32
44-209.4

Section 44-211
44-301
44-305.11
44-305.21
44-311.121
44-311.122
44-315.22

Repeal:

Section 10-036.42
44-209.6
44-303.34
44-315.4

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Amendments to the Social Security Act, effective January 1, 1972, brought intermediate care facility services under Title XIX of said act (Medicaid).
2. In order to comply with these amendments, to make such services available to the medically needy and continue the availability to public assistance recipients, and to enable the state to obtain federal financial participation in payment for such services the Legislature on March 23, 1972, enacted urgency legislation (Assembly Bill 249) to take effect immediately. This legislation required the transfer of supervision of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services.
3. In order to effect the transfer of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services in compliance with state and federal law and acting under the urgent necessity of retaining federal financial participation in payment for intermediate care facility services, the Director of Social Welfare adopted emergency regulations on April 19, 1972.
4. In order to continue in force regulations adopted pursuant to these changes in federal and state law and to ensure continued federal financial participation, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-036 CONTROL METHOD FOR OUT-OF-HOME CARE - ADULTS (Continued)

10-036

.5 Referral to County Welfare Department:

- .51 Make referrals to county welfare department for social services needed by recipients in intermediate care and nursing homes.
- .52 Refer to the county welfare department request for action:
 - .521 To transfer recipient to a different level of care.
 - .522 To arrange for a recipient's discharge from out-of-home care and to assist with his return to the community.
 - .523 Furnish county welfare departments with copies of all social service assessments for recipients in nursing home care and intermediate care.

30-265 TYPES OF OUT-OF-HOME CARE FACILITIES (Continued)

30-265

.2 Intermediate Care Facility

Intermediate care is provided in a facility licensed or authorized by the State of California. Admission shall be prescribed as set forth in Title 22, Division 3, The California Administrative Code.

- .21 Social services shall be provided by the county welfare department. Such services may be requested by the Medi-Cal beneficiary, attending physician, team, or others.
- .22 An annual social service assessment is required for cash grant recipients. This requirement is met by the Medical-Social Review Team's assessment.

.3 Nursing Home Care or Hospital Care

Nursing home care or hospital care is provided in a facility licensed or authorized by the State of California.

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to Medi-Cal beneficiaries subject to the requirements and limitations set forth in Title 22, Division 3, The California Administrative Code.

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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND
RESTORATIONS (Continued)

40-125

AB
ATD
OAS
AFDC
MN

- .25 Medical Facility - As used herein means an intermediate care facility, a nursing home or hospital, including a facility licensed by the Department of Mental Hygiene for the care of the mentally ill. (Section 40-189.123).

42-503 DEFINITIONS

42-503

AB
ATD
OAS
AFDC

.1 Institution

An institution is a public or private facility which provides shelter and care, treatment of physical or mental illness, custody (nonmedical) or restraint (penal or correctional). An institution may be a hospital, nursing home, intermediate care facility, board and care home (for AFDC, licensed for more than six children), prison or other correctional facility.

AB
ATD
OAS

.2 Public Medical Institution or Intermediate Care Facility

.21 Adult

An otherwise eligible "patient" in a public medical institution or a patient in a facility approved for intermediate care as provided in Title 22 of the California Administrative Code is eligible to receive aid except as provided in Sections .211 through .214 below. (Even though ineligible under one or more of these subsections, the person may apply for and, if otherwise eligible, receive his first monthly payment before leaving the institution as provided in Section 42-517 below.)

DO NOT WRITE IN THIS SPACE

42-505 ELIGIBILITY IN A PUBLIC INSTITUTION (Continued)

42-505

42-503 DEFINITIONS (Continued)

42-503

AB
ATD
OAS
AFDC

.5 Medical Institution

A medical institution is any public or private hospital, nursing home, intermediate care facility, or other medical facility which is licensed or formally approved as a hospital, nursing home or intermediate care facility by an officially designated State standard-setting authority and is certified to receive patients for inpatient care under the Medi-Cal program. Subject to this requirement a medical institution includes public or private general hospitals, tuberculosis hospitals and hospitals for the mentally ill or mentally retarded. A federal hospital is also classified as a medical institution though not eligible to participate in the Medi-Cal program.

CONTINUATION SHEET
**FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-511 ELIGIBILITY IN A PRIVATE INSTITUTION

42-511

AB
ATD
OAS

An otherwise eligible "patient" or inmate in a private institution, including a private medical institution is excluded from eligibility to receive aid only when one or more of the conditions specified in Sections .1 through .3 below, exist.

(A private hospital or nursing home, or intermediate care facility which is not certified for Medi-Cal is considered in the same manner as a nonmedical institution. The otherwise eligible patient or inmate in such facility may receive aid unless excluded under Sections .1 through .3 below. See Section 44-211.2 for need determination in such facility.)

**44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
 AND CARE FACILITIES**

44-209

AB
ATD
OAS

.1 Purpose

The primary purpose of these regulations is to (a) define the various levels of out-of-home care which may be required by a recipient and (b) establish criteria and need standards, for those levels of care which fall specifically within the scope of the OAS, AB and ATD programs, which will enable the recipient to obtain the level of care most appropriate to his needs.

Group I and Group II nonmedical board and care are the two levels of out-of-home care which fall specifically within the scope of the OAS, AB and ATD programs, and these regulations are directed primarily to these two levels of care.

Care in hospitals, nursing homes and intermediate care facilities represent additional levels of out-of-home care available in OAS, AB and ATD recipients who require inpatient medical or health-related care. However, criteria and need standards for such care fall within the scope of the Medi-Cal program and are covered in Medi-Cal regulations. (See Title 22, Division 3, California Administrative Code.)

The regulations set forth herein are intended to:

- a. Integrate, insofar as is possible, the system for providing nonmedical board and care with the system for providing intermediate or medical out-of-home care;
- b. Assist the individual to obtain the level of care most appropriate to his needs; and
- c. Facilitate prompt changes from one level of care to another when the type of care required by the individual changes.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
 AND CARE FACILITIES (Continued)

44-209

AB .2 Definitions and General Information

ATDOAS

.21 Out-of-Home Care

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care and designated supplementary services related to his individual needs. (See .3 below.)

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes or other facilities which provide personal care and supervision and in the judgment of the county substantially meet licensing requirements but are not licensed because, under state law, they are not subject to any licensing requirements.

On and after October 1, 1972, "out-of-home care" within the scope of these regulations may include care in a home or facility which is subject to licensing only if application for a license has been filed but not yet acted upon.

.22 Nonmedical Board and Care Facility

A "nonmedical board and care facility," as used herein, is interpreted broadly to include homes or facilities described in Section .21, Subsections a., b., and c. above.

DO NOT WRITE IN THIS SPACE

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
 AND CARE FACILITIES (Continued)

44-209

.32 Medical Care

.321 Intermediate Care

Intermediate care, as distinguished from nonmedical board and care, is health related and, in addition to personal and social care, includes supportive, restorative and preventive health services, and intermittent skilled nursing care. This level of care is available to recipients subject to the limitations and requirements set forth in Title 22 of the Administrative Code.

Services provided for recipients in intermediate care facilities are set forth in Section 30-265.2.

.322 Inpatient Care in a Nursing Home or Hospital

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to OAS, AB and ATD recipients subject to the limitations and requirements set forth in Title 22 of the Administration Code.

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
AND CARE FACILITIES (Continued)

44-209

AB
ATD
OAS

.4 Responsibilities of County Staff

A close working relationship between the services system and the income maintenance system in the county is essential to assure that the individual is classified for and receiving the level of care he needs, and that the aid payment to him is in the correct amount. (See Section 30-260.)

.41 County Services System Responsibilities

The county services system has primary responsibility for social assessments and for determination of the appropriate level of care, i.e., Group I or Group II, for recipients in nonmedical board and care facilities. Specific responsibilities of the services system are set forth in Sections 30-260 and 30-265.

.42 Income Maintenance System Responsibilities

The income maintenance system has primary responsibility for the determination of eligibility of recipients in nonmedical out-of-home care and for assuring that aid payments are in the correct amount based upon the appropriate level of care as determined by the county services system.

Other specific responsibilities of the income maintenance system with respect to recipients in out-of-home care include:

- a. Initiation of request to the services system for determination of appropriate level of care and for placement services, as needed. Such requests will be made on:
 1. New applications where the individual is already living in out-of-home care or such care appears needed and there is no current determination of the level of care required.
 2. Continuing cases where the recipient is in nonmedical board and care and a redetermination of the appropriate level of care is needed. (See Section 30-265.) Such requests are to be directed to the services system sufficiently in advance to permit redetermination.
 3. Continuing cases where some change in living arrangement or in level of care appears to be indicated.
- b. Assuring that all necessary documentation is in the county record, including current documentation to support the aid payment, and the level of care required and received by the individual.

.43 Controls

Controls must be established and maintained which will assure that timely review and reevaluation of the individual's needed level of care is made as provided in Section 30-260.

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(Pursuant to Government Code Section 11380.1)

44-211 MINIMUM NEEDS OF RECIPIENTS IN MEDICAL FACILITIES AND
INTERMEDIATE CARE FACILITIES

44-211

AB
ATD
OAS

.1 Applicant or Recipient is a Patient in a Medical Facility or an Intermediate Care Facility Which is Certified to Provide Inpatient Care Under the Medi-Cal Program or for ATD or OAS in a Federal Medical Institution

.11 Needs During Temporary Period of Care in Facility

Minimum needs based upon the individual's living arrangements prior to admission to the facility are presumed to continue during a temporary period of care in the facility, i.e., during the month of admission and the following month provided a living arrangement outside the facility is being retained by or for the recipient. If, during the temporary period of care in the facility, a living arrangement is being retained in a nonmedical board and care facility, need during the period of absence will be based on the "holding rate" for his room in the nonmedical facility during such absence.

If no living arrangement is being retained outside the facility, need is determined as specified in .13 below, effective the first of the month following admission to the facility.

.12 Temporary Visits Outside Facility

For the purpose of need determination, as provided in .11 above, temporary care is not usually considered to be interrupted by short visits outside the facility (no discharge) or if the discharged patient is readmitted to a similar facility within 10 days after his discharge.

.13 Needs After Temporary Period of Care Expires

If the patient remains in the facility beyond a temporary period, his need thereafter is limited to \$15 a month for needs not provided by the facility. (See Section 40-183 regarding intraprogram status change from cash grant to Medically Needy when the patient's income is such he no longer is eligible to receive a cash grant.)

.2 Applicant or Recipient is Not a "Patient" in the Medical Facility or Intermediate Care Facility or the Facility is Not Certified to Receive Patients for Inpatient Care Under the Medi-Cal Program

.21 Private Facility

Minimum needs of the applicant or recipient in such facility shall be determined in the same manner as minimum needs of the recipient in nonmedical board and care subject to the limitations set forth in Section 44-209.5

.22 Public Facility

Eligibility to aid does not exist if the facility is public.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-301 MONEY PAYMENT PRINCIPLE**44-301**

AB
ATD
OAS
AFDC

Each individual or family has the right to manage his own affairs; to decide what use of his money, including the aid payment, will best serve his interests; and to make his purchases through the normal channels of exchange, enjoying the same rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program (see Section 30-155.4).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

44-300 AID PAYMENTS**44-300****44-301 MONEY PAYMENT PRINCIPLE****44-301**

Each individual or family has the right to manage his own affairs; to decide what use of his money, including the aid payment, will best serve his interests; and to make his purchases through the normal channels of exchange, enjoying the same rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program (see Section 30-158).

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)**44-305**

AB
APSB
ATD
OAS

- .21 Regular aid payments to OAS, AB, APSB, and ATD recipients shall be delivered monthly in advance on the first day of the month.

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(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

AB
ATD
OAS

.121 Grant Maximum for Recipients in Nonmedical Board and Care

Maximum grant for recipients classified for nonmedical board and care are limited to needs as specified in Section 44-209.5.

.122 Grant Maximum for Recipients in a Medical or Intermediate Care Facility

Most needs of such recipients are met from the Medi-Cal or Medicare programs or a combination of both. Accordingly, maximum grants for such recipients are limited to minimum need allowances as specified in Section 44-211.

44-315 AMOUNT OF AID (Continued)

44-315

AB
ATD
OAS

- .22 Subtracting the current nonexempt income from total need or, in OAS and AB, from the statutory maximum for the program if the statutory maximum is less than total need. (See Sections 44-311.11 and 44-311.12.)

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**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective **AUG 17 1972**

Section 10-036.42

44-209.6 Determination of Need - Recipient in Intermediate
Care Facility

44-303.34

44-315.4 Recipient in Intermediate Care Living Arrangement

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
Code 11380.2)

AUG 17 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 16, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 17 1972

At 10:20 o'clock A.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Merjorie R. Kershberger*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 40-171.211
40-171.212
40-171.221a
42-303
42-309
44-315.4

Adopt:

Section 44-315.5

Renumber:

Section 44-315.6 (from former 44-315.5)

Repeal:

Section 44-313

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971, was to have become effective on October 1, 1971, but its operation was modified in part by the Supreme Court of California in the case of Virginia Villa v. Hall.
2. On April 11, 1972, the United States Supreme Court issued an order staying the decision of the Supreme Court of California in the case of Virginia Villa v. Hall. The effect of that order was to require the implementation of Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971.
3. In order to implement Welfare and Institutions Code Section 11450 in a manner consistent with the order of the United States Supreme Court, emergency regulations were adopted on April 20, 1972.
4. On May 30, 1972, the United States Supreme Court vacated the decision of the California Supreme Court in the case of Virginia Villa v. Hall.
5. In order to permit counties to continue computation of AFDC grants consistent with the orders of the United States Supreme Court in the case of Virginia Villa v. Hall, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-171

ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND
INTRAPROGRAM STATUS CHANGES (Continued)

40-171

AB
ATD
OAS
AFDC
MN

.211 Application Granted - General

If eligibility is established (see Section 42-303) payment of aid in a specified amount and to begin at a specified time shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

Every applicant who is determined to be eligible (see Section 42-303) shall be certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3. (W&IC 14017). The effective date of certification is determined as provided in Section 44-317.

40-171

ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND
INTRAPROGRAM STATUS CHANGES (Continued)

40-171

AB
ATD
OAS
AFDC
MN

.221 County action shall be taken to deny aid if:

- a. Proof of ineligibility for public assistance or for certification for medical assistance as medically needy is obtained. This does not apply when the applicant will become eligible within 60 days of his application. (See Section 40-171.11.)

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CONTINUATION SHEET
**FILING ADMINISTRATIVE REGULATION
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

42-303 AFDC REQUIREMENTS

AFDC An applicant or recipient is financially eligible during any month in which his gross income minus the exemptions and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

| Number of Persons Within the FBU | Basic Standard of Adequate Care |
|-------------------------------------|------------------------------------|
| 1 | \$125 |
| 2 | 210 |
| 3 | 255 |
| 4 | 314 |
| 5 | 362 |
| 6 | 408 |
| 7 | 449 |
| 8 | 496 |
| 9 | 543 |
| 10 | 590 |

Plus five dollars (\$5) for each additional person within the FBU.

- .1 All applicable income exemptions listed in Section 44-111, but not including family or student exemptions described in Sections 44-111.23 and .24 at the time of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer.
- .2 All applicable deductions from gross earnings of work-related expenses listed in Section 44-113.

42-309 DISCONTINUANCE DUE TO FINANCIAL INELIGIBILITY

AB
APSB
ATD
OAS

Aid to a recipient shall be discontinued because of financial ineligibility in the following instances:

- .1 When the grant the recipient would be entitled to receive during a payment period is zero (unless it is reduced to zero in order to adjust for a prior overpayment-see Section 44-335), effective the last day of the previous payment period.
- .2 When the recipient fails during a budget period to meet the financial eligibility test outlined in Section 42-303.1, effective the last day of the previous payment period.

AFDC

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued) **44-315**
AFDC .4 Determining Amount of Grant - Child Living With Parent or Relative

.41 Child Living With Parent or Relative (Basic Cash Grant)

Calculate the amount of the basic cash grant as follows:

.411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

| Size of FBU | Maximum Aid |
|-------------|-------------|
| 1 | \$115 |
| 2 | 190 |
| 3 | 235 |
| 4 | 280 |
| 5 | 320 |
| 6 | 360 |
| 7 | 395 |
| 8 | 430 |
| 9 | 465 |
| 10 | 500 |

.412 Round to the nearest dollar the net nonexempt income (Section 44-100), including in-kind income, with amounts of 50 cents or more rounded to the next higher dollar figure.

.413 Compare net nonexempt income determined in .412 with the appropriate figure from .411. If .411 is greater than .412, the difference shall be paid as the basic cash grant. If net nonexempt income exceeds the maximum aid payment allowable, the case is classified as a zero basic grant case. Such eligible cases may be entitled to benefits other than the basic grant including payment of special needs.

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(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .42 Child Living With Parent or Relative (Special Needs)

Any FBU, when the net nonexempt income is less than the Minimum Basic Standard of Adequate Care (Section 44-212), is considered to be an eligible assistance case and may receive payment for special needs determined as follows:

.421 Round to the nearer dollar the amount of recurring special needs (see Section 44-265.2) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU
(Per Section 44-213.3)

Maximum Amount for
Recurring Special Needs

| | |
|----|------|
| 1 | \$10 |
| 2 | 20 |
| 3 | 20 |
| 4 | 34 |
| 5 | 42 |
| 6 | 48 |
| 7 | 54 |
| 8 | 66 |
| 9 | 78 |
| 10 | 90 |

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

.423 The amount determined in .421, up to the limitation determined in .422, shall be paid in addition to the basic cash grant.

.424 Round to the nearer dollar the amount of nonrecurring special needs (Section 44-265.3) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.425 Payment for nonrecurring special needs shall be added to that determined payable as the basic cash grant and for recurring special needs, provided that any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring special needs is applied to meet the cost of nonrecurring special needs.

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(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC.43 Child Living With Nonaided Stepfather Unit

.431 Assuming for purposes of grant computation only that the Stepfather Unit (SU) (see Section 44-133.5) and the Family Budget Unit (FBU) (see Section 44-213.3) are one assistance family, determine the maximum aid amount for the combined number of persons in both units. Subtract the maximum aid amount that would apply if the SU were eligible for assistance. The remainder shall be the amount of maximum aid for the FBU. (Note: The determination of a maximum aid amount for the SU is made only for the purpose of determining the maximum aid for which the FBU is eligible. The SU is not considered an eligible group for which aid may be paid.)

.432 The procedure for computing the amount of the basic cash grant shall be the same as that set forth in Sections 44-315.412 and .413.

.433 The procedure for computing the amount of special need allowance shall be the same as that set forth in Section 44-315.42.

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**CONTINUATION SHEET
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WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC | .44 ☐ Payment in installments

Aid need not be paid in equal installments.

.5 Determining Amount of Grant - Child Living in a Foster Family Home or Private Institution

Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care payment is determined by:

- a. Rounding to the nearer dollar total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special need as determined under Section 10-225 and Section 44-267 respectively, with amounts ending in 50 cents or more rounded to the next higher dollar.

and

- b. Subtracting the rounded current net income from rounded total need.

The amount of the AFDC foster care payment is the exact amount of the difference between a. and b.

.6 Time Limitations on Reporting of Needs

Only needs which were reported before the end of the month or budget planning period are considered.

.61 Exception to Reporting Time of Change in Needs and Circumstances

- .611 When the change could not have been known or reported before the end of the month or the budget planning period because it occurred too late to give reasonable time to report within the period, or the report was not received due to communication difficulties, etc., such change is to be reflected in the aid payment if reported by the end of the following month or budget planning period, or if known in time to be processed with the main payroll, it may be reflected in the aid payment for the budget period in which it occurred.

- .612 When special circumstances, such as physical or mental incapacity, make it unreasonable to expect that a report could have been made promptly, such change is reflected in the aid payment for the month covered by the budget planning period in which the change occurred if reported as soon as could reasonably be expected.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective AUG 17 1972

Section 44-313 Maximum State Participation Base - Children's Programs

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

AUG 17 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 17, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 17 1972

At 1:20 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: Linda K. Janssen
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 41-450.1
41-450.11
41-450.12

Repeal:

Section 41-450.25
41-450.5

Adopt:

Section 41-450.3

Renumber:

Section 41-450.25 (renumbered from 41-450.26)
41-450.4 (renumbered from 41-450.3)
41-450.5 (renumbered from 41-450.4)
41-450.51 (renumbered and revised from 41-450.41)
41-450.52 (renumbered and revised from 41-450.42)

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Under current regulations of the Department of Social Welfare, deprivation of children for AFDC eligibility purposes does not exist where a parent is absent from the home due to active duty in the Armed Services.
2. On June 7, 1972, the United States Supreme Court, in *Carleson v. Remillard* held that the continued absence of a parent from the home due to active military service may support a finding of deprivation of that parent's children qualifying them for AFDC.
3. Counties have been advised in writing by the Director of Social Welfare that there is no conclusive presumption that the absence of a parent from the home due to active duty in the Armed Services does not constitute "continued absence."
4. These regulation revisions implement this court decision as reflected in the Director's instructions to the counties.
5. It is necessary to adopt these regulation revisions on an emergency basis in order to conform AFDC regulations to this court decision as soon as possible.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-450 CONTINUED ABSENCE OF A PARENT

41-450

AFDC .1 Definition of "Continued Absence"

"Continued absence" exists when the natural parent is physically absent from the home and the nature of the absence constitutes dissociation; that is, a substantial severance of marital and family ties which deprives the child of at least one of its natural parents.

A substantial severance of marital and family ties means that the absence is accompanied by a definite interruption of or marked reduction in marital and family responsibilities compared to previously existing conditions.

"Continued absence" does not exist:

- .11 When one parent is physically absent from the home on a temporary basis. Examples are visits, trips or temporary assignments undertaken in connection with current or prospective employment.
- .12 When both parents are maintaining a home together but the child lives elsewhere. It is immaterial whether the child lives with a relative or in foster care as a result of placement by the parents, by an agency on behalf of the parents, or by another authoritative agency.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-450 CONTINUED ABSENCE OF A PARENT (Continued)

41-450

AFDC .25 Both parents are physically out of the home and their whereabouts are not known.

.3 Parent on Active Duty in Armed Forces

The absence of a parent on active duty in the Armed Forces may or may not qualify as "continued absence," depending on whether or not the facts in the individual case indicate a substantial severance of marital and family ties. Some military absences may indeed be temporary; each case must be considered in light of all relevant factors.

Among the factors which should be considered in determining whether "continued absence" exists are the following:

- .31 The extent of disruption of the family caused by precipitous deprivation of civilian employment.
- .32 The assignment of the serviceman to a duty station to which the family may not accompany him.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-450 CONTINUED ABSENCE OF A PARENT (Continued)

41-450

AFDC .4 Beginning Date of "Continued Absence"

Deprivation due to "continued absence" exists as of the date that one of the foregoing circumstances occurs, as shown by evidence presented in accordance with Section 41-450.5.

.5 Evidence of "Continued Absence"

.51 If one parent is absent within the criteria established in Sections 41-450.2 or .3 above, the written statement of the applicant or recipient parent may be considered sufficient evidence of "continued absence" unless conflicting information is known to the county or further corroboration is desired.

.52 If conflicting information is known to the county or further corroboration is desired, the written statement of the applicant or recipient parent must be supported by at least one of the following:

- a. Additional evidence indicating "continued absence," which may include written statements of the absent parent or other persons with prior knowledge of the family relationship; or
- b. Evidence of the actions of the applicant or the recipient or the absent parent that clearly indicate not only the physical absence of the other parent but also dissociation as defined above.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is repealed effective AUG 17 1972

Section 41-450.25
41-450.5

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

RECEIVED FOR FILING

AUG 28 1972

Office of Administrative Hearings

In the Matter of a Demonstration
Project on Outreach - An Alternative
to Placement in Los Angeles County

FILED
In the office of the Secretary of State
of the State of California

AUG 29 1972

ORDER

At 2:25 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By Maryanne R. Herschberger
Deputy Secretary of State

I

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Los Angeles County, to demonstrate that the concentration and coordination of social and rehabilitation services and resources in a defined area will meet the express needs of the residents in the target area and will improve their ability to function independently. The objective of the demonstration is to alleviate or redirect the development of anti-social or deviant behavior of youth under the age of 18 who reside in the predominantly Mexican-American area of east Los Angeles. It is proposed that by providing alternatives to placement, the pre-delinquent child can be prevented from being introduced into the judicial justice system.

II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public assistance program for the period to begin on September 1, 1972, and end on or before June 30, 1975.

III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulations effective September 1, 1972, but only in the manner and to the degree required by the nature of the project:

CHAPTER 10-070 PERSONS TO BE SERVED

| | |
|--------|--|
| 10-070 | Regulations are modified to test the benefits of providing |
| thru | specific defined services to persons residing within the |
| 10-073 | boundaries of Los Angeles County, in accordance with project |
| | design. |

There will be no additional State funds involved as a result of this project.

ROBERT B. CARLESON
Director of Social Welfare

DATE 25 AUG. 72
Effective September 1, 1972

LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT ON OUTREACH - AN ALTERNATIVE TO PLACEMENT IN LOS ANGELES COUNTY

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Los Angeles County, to demonstrate that the concentration and coordination of social and rehabilitation services and resources in a defined area will meet the express needs of the residents in the target area and will improve their ability to function independently. The objective of the demonstration is to alleviate or redirect the development of anti-social or deviant behavior of youth under the age of 18 who reside in the predominantly Mexican-American area of east Los Angeles. It is proposed that by providing alternatives to placement, the pre-delinquent child can be prevented from being introduced into the judicial justice system.

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public assistance program for the period to begin on September 1, 1972, and end on or before June 30, 1975.

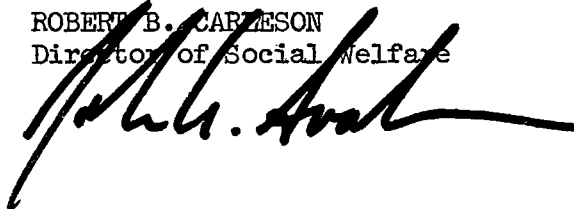
For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulations effective September 1, 1972, but only in the manner and to the degree required by the nature of the project:

Chapter 10-070 Persons to be Served

10-070 through 10-073

There will be no additional State funds involved as a result of this project.

ROBERT B. CARLSON
Director of Social Welfare



DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

RECEIVED FOR FILING

AUG 31 1972

Office of Administrative Hearings

In the Matter of a Proposed Demonstration }
 Project to Test the Provision of Group Day }
 Care of Infants by a Proprietary Facility }

FILED

In the office of the Secretary of State
of the State of California

SEP 1 - 1972

ORDER

At 10:55 o'clock a.m.
EDMUND G. BROWN Jr., Secretary of StateBy *Margaret R. Kershberger*
Deputy Secretary of State

I

Because of the increasing need for day care programs for children of public assistance recipients and low income families, the State Department of Social Welfare proposes to conduct an experimental project to demonstrate whether existing standards for licensing group day care of infants under two years assure their safe care in profit-making facilities and whether such facilities can maintain continuous compliance with the licensing standards. If the results of this demonstration project are affirmative, there will be a reconsideration of the State Department of Social Welfare's regulations which now limit group day care of infants to non-profit facilities. It is proposed that a maximum of ten proprietary infant day care facilities will be approved by the Chief, Licensing Branch, State Department of Social Welfare, for participation in this demonstration project and that it will include only those facilities determined by his representatives to otherwise meet all applicable day nursery licensure standards of the State Department of Social Welfare. Three proprietary facilities, Kinderlodge in San Diego County, Mrs. Isadore Beard in Los Angeles County, and LaVera Williams in Fresno County, have been selected by the Chief, Licensing Branch, as the initial three participants in the project.

II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public protection program for the period to begin on September 1, 1972, and to end on or before May 31, 1974.

III

For the purpose of the project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulation effective September 1, 1972, but only in the manner and to the degree required by the nature of the project:

CALIFORNIA ADMINISTRATIVE CODE - TITLE 22

Section 31192 Regulation which limits operation of infant group care to non-profit organizations is modified to test benefits of providing infant group care in a proprietary setting.

There will be no additional State funds involved as a result of this project.

Robert B. Carleson
 ROBERT B. CARLESON
 Director of Social Welfare

DATE: Aug. 31, 1972
 Effective September 1, 1972

LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT TO TEST THE PROVISION OF GROUP DAY CARE OF INFANTS BY A PROPRIETARY FACILITY

Because of the increasing need for day care programs for children of public assistance recipients and low income families, the State Department of Social Welfare proposes to conduct an experimental project to demonstrate whether existing standards for licensing group day care of infants under two years assure their safe care in profit-making facilities and whether such facilities can maintain continuous compliance with the licensing standards. If the results of this demonstration project are affirmative, there will be a reconsideration of the State Department of Social Welfare's regulations which now limit group day care of infants to non-profit facilities. It is proposed that a maximum of ten proprietary infant day care facilities will be approved by the Chief, Licensing Branch, State Department of Social Welfare, for participation in this demonstration project and that it will include only those facilities determined by his representatives to otherwise meet all applicable day nursery licensure standards of the State Department of Social Welfare. Three proprietary facilities, Kinderlodge in San Diego County, Mrs. Isadore Beard in Los Angeles County, and LaVera Williams in Fresno County, have been selected by the Chief, Licensing Branch, as the initial three participants in the project.

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public protection program for the period to begin on September 1, 1972, and to end on or before May 31, 1974.

For the purpose of the project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulation effective September 1, 1972, but only in the manner and to the degree required by the nature of the project:

California Administrative Code - Title 22

Section 31192 Regulation which limits operation of infant group care to non-profit organizations is modified to test benefits of providing infant group care in a proprietary setting.

There will be no additional State funds involved as a result of this project.

ROBERT B. CARLESON
Director of Social Welfare

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

RECEIVED FOR FILING

SEP 11 1972

Office of Administrative Hearings

In the Matter of an Experiment With
Respect to the AFDC Budget and
Payment Methods in Stanislaus County**FILED**
In the office of the Secretary of State
of the State of California

SEP 11 1972

At 10:45 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By *Margaret R. Herschberger*
Deputy Secretary of State

ORDER

I

With the approval of the United States Department of Health, Education, and Welfare for a waiver of federal plan requirements received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Stanislaus County, to develop and determine the feasibility of a modified system for computing AFDC assistance grants on the basis of a point-in-time determination, utilizing a monthly declaration of eligibility and facts relevant to the computation of AFDC entitlement, and providing for delivery of grant payments on a cyclical basis. The goals of the project are (1) to effect savings in assistance expenditures by eliminating unadjustable overpayments, (2) to minimize hardships to recipient families by assuring delivery of warrants on scheduled dates and by eliminating need to issue supplemental warrants to correct underpayments, and (3) to effect savings in administrative costs by reducing the number of eligibility workers required to redetermine ongoing eligibility, by reducing the overall average number of assistance warrants issued to the AFDC caseload, and by eliminating inefficiencies and potential for error by balancing the workload of the staff and facilities of the county used to process AFDC payments.

II

In order to conduct and administer the experimental project, it is necessary to waive the enforcement of certain laws and regulations governing the AFDC program for the period to begin on September 11, 1972, and to end on or before July 31, 1973.

III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following laws, regulations, policies, and procedures effective September 11, 1972, but only in the manner and to the degree required by the nature of the experiment:

Effective September 11, 1972

STATUTES W&I CODE

- 11004(c) This statute which states that "Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of aid as being accurate, and that the warrant he receives correctly reflects the award made, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month. Whenever possible, adjustments or overpayments shall be pro-rated evenly over the two months adjustment period" is modified to permit the county in the AFDC program to effect correction in the amount of expected income for one payment cycle equal to the difference between expected and actual income during the preceding payment cycle.
- 11006.2 This statute which provides, in substance, that when payment is made bimonthly one public assistance warrant shall be placed in the mail to be received not later than the 15th of the month (or earlier if there is no postal delivery on such date) and the other shall be placed in the mail to be received not later than the first of the following month, is modified to permit the second warrant to be delivered after the first of the following month.
- 11009.1 This statute which states "The value of free board and lodging supplied to a recipient during a temporary absence from his home of not more than one month, shall be considered an inconsequential resource and shall not be deducted from the amount of aid to which the recipient is otherwise entitled. After an absence of one month, free board and lodging shall be considered income to the extent the value exceeds the continuing cost to the recipient of maintaining the home to which he expects to return" is modified for the AFDC program to substitute "thirty days" for the words "one month".
- 11056 This statute which states in part "If the applicant is determined to be eligible, aid shall be granted from the first day of the month following the date of application, or from the first day of the month following the date on which he becomes eligible if found to be later than the date of application", is modified to permit the granting of AFDC from the day the second warrant after the date of request is due to be delivered according to the applicant's payment cycle.
- 11209 This statute which states in part "The department shall: (a) make rules and regulations for the proper maintenance and care of needy children; (b) make rules and regulations for the administration of aid to families with dependent children. Such rules and regulations shall be binding upon the institutions and counties" is modified to permit Stanislaus County, with prior approval of the department, to administer the experimental AFDC budget and payment method.

- 11265 This statute which provides in part for specific information to be included on the certificate of eligibility used for redetermination of eligibility, and in part for a home visit to be made to the family if the certificate is not completed and returned within 10 days after it is delivered, is modified to permit the use of a monthly declaration without inclusion of all the specified information and to permit, in lieu of the required home visit, the use of procedures for suspending and terminating aid payments, following advance notice to the family, when the monthly declaration of eligibility is not received within a grace period following the specified report date.
- 11401 This statute which states "No child shall receive aid under this chapter while he is a patient in a public hospital, except with respect to temporary medical or surgical care not exceeding two calendar months, in which event the child shall be eligible to receive not to exceed two monthly warrants after becoming a patient" is modified to permit entitlement and issuance of AFDC warrants to continue for two monthly payment cycles.
- 11455 This statute which states "If on the first day of the month a child is eligible for aid, aid for the entire month shall be paid" is modified to permit entitlement to be established as of a specified date according to the recipient's payment cycle, and for aid to be terminated when eligibility ceases, subject to federal requirements for providing advance notice.
- 11457 This statute which states, in part "All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds" is modified to permit such payments or collections to be applied to support for the payment cycle following receipt by the county department.

REGULATIONS, POLICIES AND PROCEDURES

All AFDC regulations, policies and procedures including but not limited to the following are modified with respect to the specification of calendar months and as hereinafter provided:

CHAPTER 23-400 FORMS MANAGEMENT

Regulations are modified to allow substitution of experimental forms as substitutes for those otherwise required for the AFDC program.

CHAPTER 25-300 AID PAYMENTS

CHAPTER 25-700 AID CLAIMS

Regulations and fiscal handbook policies and procedures are modified to allow for conversion of payments to the experimental method, for issuance of payments on a cyclical basis, and as otherwise required by the experimental system.

Effective September 11, 1972

CHAPTER 28-000 WELFARE AUTOMATIC DATA PROCESSING

Requirements are modified to allow adjustments in the data processing program and system to be made without prior approval as required during the implementation and operation of the experimental budget and payment method.

CHAPTER 30-150 EMPLOYMENT AND REHABILITATION SERVICES

Regulations are modified with respect to the specification of monthly periods and as otherwise required by the experimental system.

CHAPTER 40-100 DETERMINATION OF ELIGIBILITY

AFDC regulations are modified with respect to determination and payment of immediate need, notifications to applicants and recipients, redetermination of eligibility and as otherwise required by the experimental system.

CHAPTER 41-300 PROPERTY

AFDC regulations are modified with respect to the specification of monthly periods and as otherwise required by the experimental system.

CHAPTER 42-300 DEPRIVATION

AFDC regulations are modified with respect to the specification of monthly periods and as otherwise required by the experimental system.

CHAPTER 42-600 INSTITUTIONAL STATUS

AFDC regulations are modified with respect to the dates on which eligibility begins or ceases and as otherwise required by the experimental system.

CHAPTER 44-100 INCOME

AFDC regulations are modified with respect to the periods for which income is to be considered and methods used in determining the AFDC entitlement and as otherwise required by the experimental system.

CHAPTER 44-200 NEED

AFDC regulations are modified with respect to the methods for determining minimum and special needs and as otherwise required by the experimental system.

Effective September 11, 1972

CHAPTER 44-300 AID PAYMENTS

AFDC regulations are modified with respect to delivery of payments, methods for determining the amount and the beginning date of aid, treatment of changes that affect the amount of payment, and as otherwise required by the experimental system.

There will be no net additional State funds involved as a result of this project.

ROBERT B. CARLSON
Director of Social Welfare



DATE

9-8-72

Effective September 11, 1972

FILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 12 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

SEP 12 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: SEPT. 12, 1972By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

SEP 12 1972

At 10:30 o'clock A.M. LT

EDMUND G. DROWN Jr., Secretary of State

By [Signature]
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-207.1
44-208.1
44-311.11

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Congress increased social security benefits effective in October, 1972.
2. Chapter 1022, Statutes of 1972, added Section 11008.8 to the Welfare and Institutions Code to provide that any reduction in state and county costs of public assistance payments to recipients in the adult aid categories which result from the increased social security benefits voted by Congress shall be applied to increasing the monthly grants to these recipients. Such increases are to be reflected in the grants payable on October 1, 1972.
3. In order that the increased social security benefits might immediately result in increased benefits for the adult categorical aid recipients, the Legislature included an urgency clause requiring that the Act be effective immediately.
4. Implementation of this legislation must be accomplished through regulations adopted by the Director of the State Department of Social Welfare.
5. In order to implement this legislation in a timely manner to be consistent with legislative intent, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -
OWN HOME (Continued)

44-207

AB
ATD
OAS

.1 NEEDS CHART - RECIPIENT LIVING IN HIS OWN HOME

.11 Recipient Lives Alone

| Item | Allowance by program | | |
|---|----------------------|-----------------|-----------------|
| | AB | ATD | OAS |
| Minimum needs common to every adult aid recipient | \$ 92.00 | \$ 92.00 | \$ 92.00 |
| Minimum needs related to age, blindness or disability | 37.00 | 17.00 | 23.00 |
| Cost-of-living increase | 6.00 | 5.00 | 5.00 |
| Chapter 1022, Statutes of 1972 increase | 12.00 | 12.00 | 12.00 |
| Minimum housing need | 30.00 | -- | 21.00 |
| TOTAL | \$177.00 | \$126.00 | \$153.00 |
| Housing allowance beyond minimum (Allowed if paid by recipient) | \$ 0 - 33.00 | \$ 0 - 63.00 | \$ 0 - 42.00 |
| Minimum and maximum ^{1/} need amounts | \$177.00 | \$126.00 | \$153.00 |
| | 210.00 | 189.00 | 195.00 |

^{1/} For exceptions, see Section .21, below.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

| | | |
|---|--|--|
| 44-207 | MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - OWN HOME (Continued) | 44-207 |
| AB ATD OAS | .12 Recipient in Shared Living Arrangement | |
| | Item | Allowance by program |
| | | AB ATD OAS |
| | Minimum needs common to every adult aid recipient | \$ 92.00 \$ 92.00 \$ 92.00 |
| | Minimum need related to age, blindness or disability | 37.00 12.00 23.00 |
| | Cost-of-living increase | 6.00 5.00 5.00 |
| | Chapter 1022, Statutes of 1972 increase | 12.00 12.00 12.00 |
| | Minimum housing need | 30.00 - 21.00 |
| | TOTAL | \$177.00 \$121.00 \$153.00 |
| | Housing allowance beyond minimum (Allowed if paid by recipient) | \$ 0 - 15.00 \$ 0 - 45.00 \$ 0 - 24.00 |
| | Minimum and maximum ^{1/} need amounts | \$177.00 \$121.00 \$153.00 192.00 166.00 177.00 |
| ^{1/} For exceptions, see Section .21, below. | | |

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-208

MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -

44-208

BOARD AND ROOM

AB

ATD

OAS

.1 Needs Chart — Recipient Living in Board and Room Arrangement

| Item | Allowances by program | | |
|--|-----------------------|--------------------|--------------------|
| | AB | ATD | OAS |
| Minimum needs common to every adult aid recipient | \$ 55.00 | \$ 55.00 | \$ 55.00 |
| Minimum needs related to age, blindness or disability | 28.00 | 12.00 | 16.00 |
| Cost-of-living increase | 6.00 | 5.00 | 5.00 |
| Chapter 1022, Statutes of 1972 Increase | 12.00 | 12.00 | 12.00 |
| Minimum board and room | 76.00 | -- | 65.00 |
| TOTAL | \$177.00 | \$84.00 | \$153.00 |
| Board and room allowance beyond minimum (Allowed if paid by recipient) | \$ 0 - 26.00 | \$ 0 - 87.00 | \$ 0 - 37.00 |
| Minimum and maximum ^{1/} need amounts | \$177.00 203.00 | \$ 84.00 171.00 | \$153.00 190.00 |

^{1/} See exception in .2, below.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

AB
ATD
OAS.11 Recipient in Independent Living Arrangement (See Sections 44-207 and 44-208.)AB | .111 Grant Maximum for the Blind

The grant maximum is \$227 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

ATD | .112 Grant Maximum for the Disabled

There is no statutory maximum.

OAS | .113 Grant Maximum for the Aged

The grant maximum is \$218 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 12 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
SEP 12 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: SEP 12 1972

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

SEP 12 1972

At 10:30 clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

By: [Signature]
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 43-103
43-109.4
44-111.11

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Chapter 1064, Statutes of 1972, amended Section 12101.1 of the Welfare and Institutions Code to provide that from responsible relative contributions in the Old Age Security program, a recipient of OAS shall receive that part of the contribution which is exempt under Section 11008.1 of the Welfare and Institutions Code.
2. In order that the benefits of the amendment might be provided to the persons covered thereby as soon as possible, the Legislature included an urgency clause requiring that the Act be effective immediately.
3. Implementation of this legislation must be accomplished through regulations adopted by the Director of the State Department of Social Welfare.
4. In order to implement this legislation in a timely manner to be consistent with legislative intent, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-103 EFFECT OF RELATIVE RESPONSIBILITY ON AID PAYMENTS

43-103

OAS

The granting or continuing of aid payments shall not be withheld pending determination of the liability of a responsible relative to contribute to the support of the applicant or recipient provided the applicant or recipient has met his responsibility for reporting facts known to him including any contributions he is receiving from the responsible relative. Similarly, the granting or continuing of aid payments to an otherwise eligible applicant or recipient is in no way contingent upon the relative meeting his prescribed liability.

Contributions from responsible relatives for the support of OAS recipients must be remitted to the county welfare department. The contributions are considered to be recoveries on cash grants paid to OAS recipients and do not affect determination of eligibility or the amount of the grant.

In each month when a responsible relative makes his full contribution on a current basis, the county shall pay to the OAS recipient against whose grant the contribution is made an amount not to exceed \$7.50 as provided in Section 44-111.11.

Contributions paid directly to OAS recipients do not discharge the responsible relative from his support obligation (except in-kind contributions, see Section 43-109.4). However, contributions actually received by an applicant or recipient must be reported as income and shall be considered in the determination of eligibility and the amount of the grant.

Failure of the responsible relative to cooperate in providing the information necessary to determine his liability or failure of the relative to meet his liability as fixed by the county are bases for a report by the county to the district attorney or other civil legal officer for appropriate action.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS .4 Evaluation of Contributions In Kind by an Adult Child

An adult child may meet his liability in full or in part by a cash contribution, a contribution in kind, or a combination of both. The following rules determine the extent, if any, to which liability can be met by a contribution in kind.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME

44-111

AB
ATD
OAS
AFDC

Federal and state statutes exclude or exempt certain types of payments or benefits in whole or in part from consideration as income. These exclusions and exemptions vary widely between programs. However, the federal statutes also provide that any income to an individual which is disregarded in determining his eligibility under the provisions of one categorical aid program (AB, ATD, OAS or AFDC) shall not be taken into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving aid under another categorical aid program.

The exclusions and exemptions and the applicable programs are discussed in Sections .1 through .4 below.

.1 General Exemptions — Income from Any Source

AB
ATD
OAS

.11 The First \$7.50 a Month

In addition to all exemptions from income allowed in .2 through .4 of this Section, an exemption of \$7.50 from total income shall be allowed once per month.

To the extent that

this exemption on income received by the recipient is not allowed in a month for which a full contribution is made by the recipient's responsible relative on a current basis, the county shall pay to the recipient an amount not to exceed \$7.50. In no case shall the income exemption under this subsection plus the amount paid to the recipient from the responsible relative contribution exceed \$7.50 in any month.

DO NOT WRITE IN THIS SPACE

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 22 1972

Office of Administrative Hearings

ENDORSED

OVED FOR FILING
v. Code 11380.2)

SEP 22 1972

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: September 22, 1972

By: 


Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

SEP 22 1972

At 2:20 o'clock P.M. LT
EDMUND G. BROWN Jr., Secretary of State
By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-115.6
44-203.2
44-212
44-213.3
44-213.4
44-217
44-221
44-265
44-267
44-269
10-225.2
10-225.3

Repeal:

Section 44-266
44-268
44-270
44-272
44-274
44-276
44-278
44-279
44-280
44-281

Adopt:

Section 44-115.8
44-115.9

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) included revisions to Welfare and Institutions Code Section 11450 relating to the computation and payment of AFDC grants.
2. On September 30, 1971, the California Supreme Court stayed the operation of Section 28 of the Welfare Reform Act of 1971 as it affected Subsection (a) of Section 11450 of the Welfare and Institutions Code.
3. On October 5, 1971, emergency regulations were filed to implement the provisions of the Welfare Reform Act of 1971 relating to the computation and payment of AFDC grants consistent with the September 30, 1971, order of the California Supreme Court.
4. On January 10, 1972, the California Supreme Court issued a Preemptory Writ of Mandate directing that the computation and payment of AFDC grants be consistent with the Court's decision in the case of Virginia Villa v. Hall and mandating the director to promulgate regulations consistent with the Court's decision in this case.
5. On January 28, 1972, emergency regulations were filed to permit implementation of a system for the computation and payment of AFDC grants consistent with the decision of the California Supreme Court in Virginia Villa v. Hall.
6. On April 11, 1972, the United States Supreme Court issued an order staying the decision of the Supreme Court of California in the case of Virginia Villa v. Hall. The effect of that order was to require the implementation of Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971.
7. On April 20, 1972, emergency regulations were filed to implement Welfare and Institutions Code Section 11450 in a manner consistent with the order of the United States Supreme Court.
8. On May 26, 1972, emergency regulations were filed to continue in force regulations implementing the provisions of the Welfare Reform Act relating to the computation and payment of grants pending a final decision in the case of Virginia Villa v. Hall.
9. On June 7, 1972, the United States Supreme Court vacated the judgment and remanded the case to the California Supreme Court which, on September 14, 1972, rendered a final decision upholding the validity of Section 11450 of the Welfare and Institutions Code.
10. In order to permit counties to continue the computation and payment of grants in a manner consistent with the intent of the Welfare Reform Act and the orders of the United States Supreme Court and the California Supreme Court in the case of Virginia Villa v. Hall, it is necessary to adopt these regulations on an emergency basis.

The regulations changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC | .6 Nonneedy Relatives

Natural or adoptive parents, stepfathers, or adults whose needs are met through any categorical aid program shall not be considered to be nonneedy relatives for purposes of this section.

.61 Treatment of Contributions

.611 The excess of the in-kind income value for housing and utilities (see .9 below) included in the minimum basic standard of adequate care figure (Section 44-212.2) for the appropriate size Family Budget Unit over the increased cost of housing and utilities to the nonneedy relative caused by the presence of the AFDC child(ren) in his household shall be considered a contribution in-kind to the Family Budget Unit.

.612 If the nonneedy relative wishes to contribute to the support of the child(ren) in his care in excess of the amount computed in .61 above, he may do so by either identifying the need items to be contributed using .8 below or by specifying an exact dollar amount to be contributed. Any amounts so specified are considered net income to the AFDC child(ren).

.62 Minor Residing with Parent(s)

.621 When the FBU consists of a minor parent and her children residing with her parent(s), in-kind values for housing, utilities, food and clothing for the minor parent shall be deducted as in-kind income, provided that her parent(s) are providing all or some of these needs. Additional in-kind deductions shall be made for an unborn child in accordance with Section 44-115.95 and for other children in accordance with Section 44-115.61.

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AB | .8 One or More Recipients of AFDC Resides in the Same Household with One or More Recipients of
ATD
OAS
AFDC | Adult Aids

.81 When the above situation exists, if the recipient's (Adult Aid or FBU) housing and utilities allowance exceeds his share of the actual cost of housing and utilities (including telephone), the excess shall be considered in-kind income and taken into consideration in computing the grant.

.82 Each recipient's share shall be calculated by dividing the total actual cost of housing and utilities (including telephone), by the number of persons (adults and minors, needy and nonneedy) residing in the household.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

.9 For purposes of this section, the following shall be considered as the in-kind income value of certain items of need for an FBU:

.91 Housing

- a. one-person FBU — \$55/per month
- b. two-person FBU — \$74/per month
- c. three-person FBU — \$81/per month
- d. four-person or larger FBU — \$86/per month

.92 Utilities (including telephone):

- a. one-person FBU — \$12/per month
- b. two-person FBU — \$13/per month
- c. three-person FBU — \$14/per month
- d. four-person or larger FBU — \$15/per month

.93 Food

- a. one-person FBU — \$29/per month
- b. two-person FBU — \$65/per month
- c. three-person FBU — \$83/per month
- d. four-person FBU — \$103/per month
- e. five-person FBU — \$124/per month
- f. six-person FBU — \$145/per month
- g. seven-person FBU — \$161/per month
- h. eight-person FBU — \$177/per month
- i. nine-person FBU — \$193/per month
- j. ten-person or larger FBU — \$209/per month

.94 Clothing — \$9 for each person per month

.95 Unborn Child Included in the FBU

When an unborn child is included in the FBU, the in-kind deduction shall be the total of the amounts by which the above in-kind values for housing, utilities, food and clothing are increased as a result of including the unborn in the FBU.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-203 DEFINITIONS - NEED (Continued)

44-203

AB .2 Minimum Needs - Definition

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AFDC

Minimum needs are needs common to all recipients living in like circumstances as set forth in Sections 44-207 through 44-212. Minimum needs and the amounts required to meet such needs differ according to living arrangements.

44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE

44-212

AFDC

.1 Definition - The minimum basic standard of adequate care is set forth in W&I Code, Section 11452, as the amount which is necessary to provide a Family Budget Unit with the following:

- .11 housing
- .12 clothing
- .13 food
- .14 utilities
- .15 items for household operation, education and incidentals, recreation, personal needs, and insurance
- .16 essential medical, dental, or other remedial care not otherwise provided at public expense
- .17 recurring special needs not common to a majority of recipients

.2 The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU
(per 44-213.3 and .4)

Minimum Basic Standard of
Adequate Care

| | |
|----|-------|
| 1 | \$125 |
| 2 | 210 |
| 3 | 255 |
| 4 | 314 |
| 5 | 362 |
| 6 | 408 |
| 7 | 449 |
| 8 | 496 |
| 9 | 543 |
| 10 | 590 |

plus \$5 for each additional needy person

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC**.3**

Needy Persons Living In The Home Who Shall Be Included As "Recipients" In The Same Family Budget Unit, Unless EXCLUDED By Section 44-213.5

- .31 Children — all related eligible unmarried children, including the unborn child, for whom aid is requested by the child's parent or relative caretaker.
- .32 Parent — the eligible child's natural or adoptive parent who requests aid on behalf of the child,
and
- .33 Parent's Spouse — the spouse of the eligible child's natural or adoptive parent when the basis for deprivation is the incapacity of a natural or adoptive parent, or the unemployment of the natural or adoptive father (who meets federal conditions in Section 41-440.5), living in the home, or if there is no parent living in the home.
- .34 Relative — the needy adult relative, as defined above, other than a parent, who provides care and supervision of the eligible child.

.4

Other Needy Related Persons Living in the Home Who May Be Included As "Nonrecipients" In The Same Family Budget Unit With Eligible Children, Unless EXCLUDED By Section 44-213.5 for Purposes of Determining Financial Eligibility under Chapter 42-300

- .41 Upon the written request of the parent, or the caretaker if neither parent is living in the home, the following persons living in the home, if needy, shall be members of the Family Budget Unit and shall have their needs and income taken into consideration in determining the financial eligibility of the family.
 - .411 Unmarried brothers and sisters of the eligible child, including half- or stepbrothers and stepsisters.
 - .412 The eligible child's stepparent, when the child is deprived by the absence or death of a natural or adoptive parent.
 - .413 The eligible child's other unmarried parent.
 - .414 An adult relative, as defined in Section 44-213.21, other than the parent's spouse, whose presence is required to provide care and supervision that cannot be given the eligible child by the only parent living in the home due to the parent's incapacity.
- .42 Persons included in the Family Budget Unit under provisions of Section 44-213.41 for purposes of determination of financial eligibility shall not be included in the Family Budget Unit for purposes of grant computation.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-217 SUBSTANDARD HOUSING

44-217

AFDC .1 Assessment of Adequacy of Housing

It is essential that every reasonable continuing effort be made to assist such families secure and maintain housing meeting minimum standards of safety and decency. The county shall, as an integral part of its intake and continuing services, assess the adequacy of housing occupied by the family. The assessment shall be made in accordance with a guide developed by or with the local authority responsible for enforcing the standards of the Division of Building and Housing Standards, Department of Housing and Community Development.

.2 Help to Families in Substandard Housing

When the assessment of housing by the county welfare department indicates the need for improvement of the family's housing standard, consultation shall be provided to the family and a plan worked out with them for improving the housing. Where necessary, the county welfare department shall assist the family in making arrangements with the landlord to improve housing or in locating better housing elsewhere.

.3 Referral to Local Housing Enforcement Agencies

When the county welfare department's assessment of housing indicates probable substandard housing and no workable plan for improvement can be arranged within 30 days, referral to the local housing enforcement agency shall be made and a report requested as to whether or not housing meets the standards.

.4 Continuing County Responsibility

If housing is determined to be substandard by the enforcement agency, the county welfare department has a continuing responsibility for helping the family secure standard housing.

44-221 MINIMUM NEED - CHILD IN FOSTER CARE

44-221

AFDC When a child is living in foster care, his or her minimum need is the boarding home or private institution rate of the county in which the home or institution is located, as established by the county in accordance with Section 10-225.

For other requirements relating to payments and services for children in foster care, see Sections 44-267 (Special Needs), 44-315.5 and 44-323 (Aid Payments), and 30-300 (Services).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

AFDC 44-265 SPECIAL NEEDS FOR AFDC

44-265

.1 General

.11 There are two categories of special needs:

.111 Recurring — The need is the result of an unusual circumstance in the recipient family which results in added cost to the family and which is expected to occur during two or more months in a single year. Recurring special needs are subject to the limitations in Section 44-315.422 and conditions specified in .14 and .2 below.

.112 Nonrecurring - The need is the result of a catastrophe which is not expected to be repeated in a subsequent month. Nonrecurring special needs are subject to the limitations and conditions specified in .12, .13, .14 and .3 below.

.12 The costs of any nonrecurring special needs shall be met by first requiring the recipient to utilize his available liquid assets.

"Liquid assets," as used herein, means resources which are immediately available, or can be made immediately available. This includes cash, negotiable stocks or bonds, bank accounts, etc.

Income which was appropriately exempt from consideration in determining the public assistance grant is included in the evaluation of liquid assets if still available to the recipient and if not exempt for a specific purpose, i.e., to further a plan of self-support.

The cash surrender value of insurance, mortgages, trust deeds, the market value of household furnishings and personal effects, automobiles, real property, etc., shall not be considered liquid assets. Liquid assets essential to a plan for rehabilitation or self-support shall not be considered immediately available.

When the allowance for a nonrecurring special need cannot be met in full by the recipient's available liquid assets, it shall be allowed as a part of the grant to the extent that the special need cannot be provided for out of the recipient's available liquid assets.

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Effective SEP 22 1972

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.13 The county may allow a nonrecurring special need in a single month or prorate it over not more than three consecutive months. A nonrecurring special need prorated in this manner shall not be considered recurring.

.14 There will be no state participation in the cost of any special need granted to an AFDC recipient.

.2 Recurring Special Needs

.21 Therapeutic Diet

.211 Special need for a therapeutic diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. The allowance may continue for no more than one year unless continuation of need is resubstantiated as provided above.

The amount allowed for a combination diet shall not exceed that specified for the highest cost diet included in the recommended diet plan.

.212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric — high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC .22 Other Recurring Special Needs

To enable the recipient to meet unusual costs caused by a verified medical problem of the recipient, the following special needs may be allowed based upon recommendation by a doctor or other practitioner that they are necessary, subject to approval by the county. The recommendation should include the period over which the need for the allowance will be necessary. No allowance may continue for more than one year unless it is resubstantiated as provided above. The allowance shall be subject to the following conditions and limitations:

.221 Costs for transportation to obtain medical treatment when such treatment is not available in the recipient's home community, as defined by the county, as follows:

- a. When common carrier (including a taxi) is available regardless of the transportation used, the amount allowed as a special need shall not exceed \$18 per month.
- b. When common carrier (including a taxi) is not available or cannot be used because of an infirmity and a private automobile must be used, the amount allowed as a special need shall be \$15 per month for fixed charges plus a standard allowance according to the number of miles traveled during the period as follows:

| <u>Miles Traveled per Month</u> | <u>Standard Allowance</u> |
|---------------------------------|---------------------------|
| Less than 175 | \$ 6.00 |
| 175 - 224 | 8.00 |
| 225 - 274 | 10.00 |
| 275 - 324 | 12.00 |
| 325 - 374 | 14.00 |
| 375 or more | 15.00 |

.222 The actual cost of special laundry service up to \$3.00 per month.

.223 The prevailing rate of employing someone to do the cooking, washing, ironing, household cleaning and similar chores when the family caretaker is too disabled to perform any one or more of these functions, and when such duties cannot be performed without charge by persons in the household. No allowance shall be made for this purpose if the Services System is providing homemaker services to the family. (See Section 10-053.5.)

.224 The amount of the charge for special telephone service or equipment, such as the cost of an amplifying device when a member of the household is handicapped by a hearing problem.

.225 A standard allowance of \$5.00 per month when the health problem requires excessive use of one or more utilities.

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Effective SEP 22 1972

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC.3 Nonrecurring Special Needs

- .31 A special need shall be allowed to replace the items listed in .342 below which are owned by the recipient when loss or damage of these items occurs which, in the judgment of the county, is due to sudden and unusual circumstances beyond the control of the family.
- .32 Replacement of any item under the provisions of Section .1 above shall be allowed only when the item is not available to the family without cost from any source.
- .33 The county shall determine the most feasible and economic method of replacement including the provision of used, serviceable items, and such method shall be binding upon the recipient. If the recipient is to purchase the item(s), proof of purchase may be required by the county.
- .34 The amount of the allowance shall be calculated as follows:
- .341 Determine the actual cost, including sales tax, of the replacement item.
- .342 The amount determined in .341 above or the maximum amount listed below, whichever is less, shall be allowed:
- a. Clothing — \$25 for each person in the Family Budget Unit
 - b. Bedding, dishes, and kitchen utensils — \$12 for each person in the Family Budget Unit
 - c. Cook stove — \$142
 - d. Refrigerator — \$190
 - e. Space heater — \$73
 - f. Double bed, including mattress — \$143
 - g. Other essential furniture — \$50
- .343 The total amount allowed under this section shall not exceed \$300.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE

44-267

AFDC

.1 For Payment to Foster Family or Institution

The cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the basic foster care.

.2 For Payment to the Child's Own Caretaker

Items which are prerequisite to return of the child to his own home, such as telephone, essential furniture, household equipment and supplies, shall be allowed when the services plan is for the child to be returned to the home within 30 days and eligibility for AFDC-Family Group will exist. Amounts shall be allowed subject to limitations applicable when the item is allowed to an AFDC-Family Group.

.3 Exclusions

No amount shall be allowed as special need:

- .31 For items other than those specified in Sections 44-267.1 and 44-267.2 above.
- .32 For any special need item available to the child or prospective caretaker without cost.
- .33 For service-connected expenses (see Section 10-305).

44-269 MEDICAL NEEDS — GENERAL

44-269

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AFDC

The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

- 1. A cash grant payment is made; or
- 2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-325.4); and/or
- 3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a); or
- 4. In AFDC aid is discontinued for a family in which the parent is employed part-time but is no longer financially eligible.

AFDC

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**CONTINUATION SHEET
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC
CHILDREN (Continued)**

10-225

.2 Procedure for Determining Foster Care Rates for Children in Foster Family Homes

Each county shall establish foster family home rates to pay for care and supervision, and for other needs which are provided to a child, under 18 years, who resides in a foster family home.

.21 Rates for Care and Supervision

A rate shall be established by the county for care and supervision for each of the four age groups listed below. Where the amounts vary for different age groups, the differences should reflect realistic variations in the kind of care required to provide appropriate care and supervision. Care and supervision of the infant and preschool age child, for example, may make necessary a higher rate than is paid for the child who is out of the home during part of the day. Such other factors should also be considered as the need to arrange for care for children of some age groups when the foster parents are away from home. *

Provision should also be made, in determining the rate to be paid for care and supervision, for increasing the payments for care of children requiring special care as a result of health or behavior problems.

.211 Age Groups — A rate shall be established for each of the following age groups:

Child under seven
Child, seven through 12 years
Boy, 13 through 17 years
Girl, 13 through 17 years

.212 Items to be covered by the rates:

Room and Board
Clothing
Personal Needs
Recreation
Transportation
Education and Incidentals
Supervision

.22 Provision for Other Needs

In establishing the payments for care of children in foster family homes, the county shall make provision for costs of other items identifiable to the child's special needs (see Section 44-267).

**10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR
AFDC CHILDREN (Continued)**

10-225

.3 Procedure for Determining Foster Care Rates for Children in Private Institutions

The rate for a child placed in a private institution is the amount charged by the institution, as negotiated by the county. The rate for institutional foster care shall be established in whole dollars.

See Sections 44-267, 44-315.5 and 44-323 regarding special need and payments for children living in a private institution.

Effective SEP 22 1972

**CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective SEP 22 1972

Section 44-266 SPECIAL NEED FOR EXCESSIVE COST OF UTILITIES

44-268 SPECIAL NEED FOR TELEPHONE

44-270 SPECIAL NEED FOR CLOTHING

44-272 SPECIAL NEED FOR HOUSEHOLD SUPPLIES AND FOR ESSENTIAL
EQUIPMENT

44-274 SPECIAL NEED FOR LAUNDRY

44-276 SPECIAL NEED FOR TRANSPORTATION ESSENTIAL TO HOME
MANAGEMENT

44-278 SPECIAL NEED FOR HOUSEKEEPING SERVICE

44-279 SPECIAL NEED FOR THERAPEUTIC DIET

44-280 SPECIAL NEED FOR CHILD IN FOSTER CARE

44-281 MEDICAL NEEDS - GENERAL

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Effective SEP 22 1972

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 22 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

SEP 22 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: SEP 22 1972

By: 

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

SEP 22 1972

At 2:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt:

Section 44-315.8

Repeal:

Section 44-133.621a

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On May 5, 1972, regulations were adopted requiring all counties, effective November 1, 1972, to use the prior month budgeting method to compute AFDC grants.
2. In counties which must change budgeting methods on November 1, 1972, hardship beyond the control of some recipients may occur.
3. Implementation of this system should include authority for grant supplementation when necessary to protect the welfare of the children.
4. These regulation revisions permit such supplementation.
5. In order to permit supplementation as part of the required prior month budgeting method on November 1, 1972, it is necessary to adopt these regulations on an emergency basis.

The regulations changes set forth above are adopted as an emergency measure to become effective November 1, 1972.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .8 Supplemental Payments

If unusual and unforeseen substantial changes in a recipient's income occur, a supplemental payment may be made when necessary to protect the welfare of the child(ren). Supplemental payments shall be limited in any month to the extent that the total grant, together with currently available income, does not exceed the allowable Maximum Aid.

When a recipient receives a supplemental payment in more than one month, the total of such payments may not exceed the recipient's total net nonexempt income during the first and second months preceding a change in budgeting method used by the county; or during the first and second months for which aid payments are made.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective 11/1/72:

Section 44-133.621a

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

October 27, 1972

RECEIVED FOR FILING

OCT 27 1972

Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of California

OCT 27 1972

At 4:10 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By Linda K. Ismael
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on May 30, 1972 which became effective on July 1, 1972.

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

October 27, 1972

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OCT 27 1972

Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of California

OCT 27 1972

At 4:10 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By *Linda K. Lissado*
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State April 28, 1972, which became effective on July 1, 1972.

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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OCT 27 1972

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 27, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 27 1972

At 4:10 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: Linda K. Jimado
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 43-113.6
44-133.5

Adopt:

Section 44-315.43

Renumber:

Section 44-315.44 (renumbered from former 44-315.43)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. A court order in the case of Riddles v. Carleson required changes in the methods for determining stepfather contributions in the AFDC program.
2. On June 29, 1972 the Director of Social Welfare adopted regulations to clarify the financial obligation of stepfathers of AFDC recipients, eliminate inequities and implement specific guidelines for determining contributions to the stepchildren.
3. It is necessary to adopt these regulations on an emergency basis in order to maintain uniformity among counties in the manner of determining stepfather contributions consistent with the court order in the Riddles v. Carleson case.

The regulations changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS 5
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

.6 Stepfather

A stepfather is responsible for the support of his children from another union living outside the home; and his children, natural and adopted, living in the home; and his wife.

A stepfather is not legally responsible for the support of his wife's children by another man, unless he has adopted them. However, his wife's interest in the community property as defined in Section 42-203.5 including the earnings of her husband (see Section 44-101.5 for definition of earnings), where actually available to her, shall be considered available for the support of his stepchild(ren). (See Section 44-133.5.)

If the stepfather and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made, as specified in Operations Manual Section 20-101.

.61 Availability of Stepfather's Income

Provided that the nonadoptive stepfather and the natural or adoptive mother regularly reside together, the existence of any of the following criteria on a current and regular basis may reasonably justify a finding by the county that all or a portion of her husband's income is actually available for her use or in support of her children.

- .611 To the extent that the husband's income is actually made available for use by the wife, including use for support of her children, e.g., in a bank account in the names of the husband and wife jointly; in a separate bank account in the wife's name; in any other form of account upon which the wife can draw; in money orders or other instruments which the wife can cash; in cash; etc.; or
- .612 To the extent that the husband's income is used to provide, for his nonadopted stepchildren, any or all of their food, housing, clothing, utilities, transportation, or other living expenses; or
- .613 To the extent that maintenance of a credit arrangement, legally collectible from the husband's income, is available to the wife for food, housing, clothing, utilities, transportation, or other living expenses or can be used by her to so provide for her natural or adopted children.

Whether the criteria in Sections 43-113.611, .612 or .613 exist so as to reasonably justify a finding by the county that all or a portion, as the case may be, of her husband's income is actually available for her use in support of her children shall be determined on the basis of all available data, including that obtained from the statement required by Section 43-113.62.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC.62 Statement Required

Whenever aid is applied for or granted on behalf of a child living in a home with his natural or adoptive mother and nonadoptive stepfather, the mother shall complete a statement for purposes of determining the actual availability to her of her interest in the community property, (see Section 42-203.5) including the earnings of her husband. Such statement shall contain the following information accurate for the budget period appropriate for grant determination (see Section 44-315.4):

.621 The stepfather's current monthly income;

.622 The wife's current monthly income;

.623 The source and amount of any other current monthly income;

.624 The type, amount, and ownership of any currently available credit arrangement;

.625 The amount of and manner in which the stepfather's current monthly income is kept, i.e., joint bank account; separate bank account in whose name; in cash; etc.;

.626 Whether, how, and in what amount the stepfather's income is regularly made available to the mother, and if not, why not;

.627 Whether the stepfather and mother normally reside together, and if not, why not;

.628 The amount of, means of making, source of funds for, and which spouse makes each of the following payments each month, where applicable: food, housing, clothing, utilities, transportation, other expenses;

.629 Any other facts relevant to a determination whether the stepfather's income is or is not regularly made available to the mother.

.63 Certification

The statement (required in Section 43-113.62) shall be signed by the mother under penalty of perjury. For this purpose, the statement shall include the following:

"I declare under penalty of perjury that the foregoing statements on this form are true and correct."

.64 Failure to Cooperate

Failure of the mother to cooperate in the presentation of the required statement shall be considered the mother's decision to withhold information essential to the determination of the eligibility of the child, except that if she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the county in accordance with Sections 40-128.3 and 40-157.313. If the exception does not apply, aid shall be denied, or discontinued.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .5 Stepfather's Income and Liability**.51** Definition of Stepfather Unit

The stepfather, his wife, and his children, including children he has in common with his wife, are members of the Stepfather Unit when they are not in the Family Budget Unit. Within this definition and the definition of Family Budget Unit (Section 44-213.3) persons in the household may be in either the Stepfather Unit or the Family Budget Unit but not both.

.52 Needs of Stepfather Unit**.521** Stepfather in Family Budget Unit

When the stepfather is included in the Family Budget Unit (see Section 44-213.3), the total amount of his net nonexempt income shall be income to the Family Budget Unit for purposes of grant computation. For purposes of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer, the family or student exemptions shall not be applied to his income.

.522 Stepfather Not in Family Budget Unit

When the stepfather is excluded from the Family Budget Unit, the county shall determine his ability to support himself, his wife, or his children including their children in common on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-212.2). Allow deductions from his gross income for mandatory payroll withholdings and prior support liability in accordance with Section 44-133.533a.

- a. If his income meets their combined need, exclude his wife and his children from the Family Budget Unit for purposes of both eligibility determination and grant computation.
- b. If his income does not meet their combined need, include his wife and any of the stepfather's needy eligible children for whom aid is requested in the Family Budget Unit for purposes of both eligibility determination and grant computation.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME — AFDC (Continued)

44-133

AFDC.53 Stepfather Contribution

Income to the Family Budget Unit from the stepfather shall be the largest of the following:

.531 That amount actually available to the Family Budget Unit.

.532 That portion of a wife's community property interest (one-half) in her husband's property or earnings that is actually available to her.

.533 A wife's legally collectible interest in the community property including earnings of her husband. A wife's legally collectible interest in her husband's earnings is equal to one-half of the remainder after deducting the following from his total monthly gross earnings:

- a. Any prior support liability actually contributed by him either voluntarily or under court order, for the support of his children by a woman other than his current wife when such children are not living in his home, plus
- b. \$300.

This amount is to be used only to the extent that it is actually available to the wife.

In no event shall the amount considered available to the Family Budget Unit be greater than the stepfather's gross income less any prior support liability as described in Section 44-133.533 above, mandatory payroll deductions and the appropriate Minimum Basic Standard of Adequate Care figure for persons in the Stepfather Unit as determined in accordance with Section 44-133.522.

.54 Referral for Mandatory Collection of Stepfather Contribution

When an amount less than that determined in Section 44-133.53 above is available to the wife, or to the Family Budget Unit, the case shall be referred to the appropriate county legal officer for legal action under Civil Code Sections 248 and 5127.5 or other appropriate statute including Welfare and Institutions Code Sections 11482 and 11483, and Penal Code Section 270a where applicable.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC**.43 Child Living With Nonaided Stepfather Unit**

.431 Assuming for purposes of grant computation only that the Stepfather Unit (SU) (see Section 44-133.5) and the Family Budget Unit (FBU) (see Section 44-213.3) are one assistance family, determine the maximum aid amount for the combined number of persons in both units. Subtract the maximum aid amount that would apply if the SU were eligible for assistance. The remainder shall be the amount of maximum aid for the FBU. (Note: The determination of a maximum aid amount for the SU is made only for the purpose of determining the maximum aid for which the FBU is eligible. The SU is not considered an eligible group for which aid may be paid.)

.432 The procedure for computing the amount of the basic cash grant shall be the same as that set forth in Sections 44-315.412 and .413.

.433 The procedure for computing the amount of special need allowance shall be the same as that set forth in Section 44-315.42.

.44 Payment in Installments

Aid need not be paid in equal installments.

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DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

November 10, 1972

CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on July 14, 1972, which became effective on July 14, 1972.

Amended Sections 44-111.32
44-111.33

Adopted Section 42-213.218

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

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NOV 10 1972

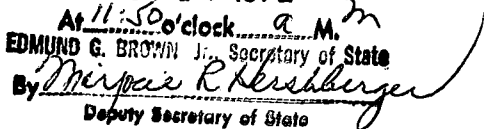
Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

NOV 10 1972

At 11:50 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State

By 
Deputy Secretary of State

FACE SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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State Department of Social Welfare

(Agency)

Dated: November 10, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 10 1972

At 11:50 o'clock a.m.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.422c(2)

Repeal:

Section 44-111.422c(3)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. In cases where the charge for care in a nonmedical out-of-home facility exceeds the state established maximum, Section 44-111.422c permits disregarding as income, subject to certain conditions, any voluntary contributions or county supplementary payments.
2. Section 44-111.422c(2) defines the total amount so excluded as the difference between the state established maximum and the minimum amount for which care is available, but not to exceed \$70.
3. Because the cost of out-of-home care has been found to vary widely between counties, the \$70 limitation creates inequities and works a hardship upon aid recipients residing in counties where such costs are high.
4. On July 13, 1972 emergency regulations were adopted to remove the \$70 maximum disregard for ATD recipients.
5. It is necessary to adopt the revisions set forth above on an emergency basis to continue in effect the relief provided to affected recipients.

The revisions described above must therefore be adopted as an emergency measure to take effect immediately upon filing with the Secretary of State.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.422 c. (Continued)

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- (2) The total amount of voluntary contributions or county supplementation excluded from consideration as income is the difference between the state established maximum and the minimum amount for which adequate care of the individual is available in the community, but not to exceed \$70 a month. (The \$70 limitation shall not apply to ATD.)

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation section is to be repealed effective NOV 10 1972

Section 44-111.422c. (3)

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(Pursuant to Government Code Section 11380.1)

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State Department of Social Welfare

(Agency)

Dated: NOV 10 1972

By: 

Director

(Title)

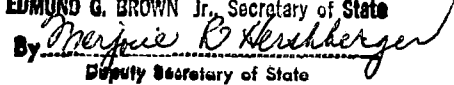
FILED

In the office of the Secretary of State
of the State of California

NOV 10 1972

At 11:50 o'clock A.M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.31

Adopt:

Section 42-213.219

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, provides that payments to recipients of public assistance may not be considered income or property for purposes of eligibility or grant determination.
2. The United States Department of Health, Education, and Welfare adopted regulations on September 20, 1972 excepting such payments from consideration as income or property.
3. The Director of Social Welfare has the authority to adopt regulations to conform to federal regulations.
4. The State Department of Social Welfare EAS Manual Section 44-111.31 has been erroneously construed resulting in the above payments being considered as property or income in certain instances.
5. It is necessary to adopt this regulation on an emergency basis in order to achieve uniformity as soon as possible among counties to permit recipients to retain these payments as intended by the federal law and regulations.

The regulation set forth above is adopted as an emergency measure to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

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AFDC

.3 Exemption of Payments from Public Sources

.31 Relocation Assistance Benefits

A relocation assistance benefit, paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing, is exempt income.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
WHICH MAY BE RETAINED (Continued)

42-213

AB
APSB
ATD
OAS
AFDC

.219 Relocation Assistance Benefits

Relocation assistance benefits paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing.

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FACE SHEET
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State Department of Social Welfare

(Agency)

Dated: November 10, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 10 1972

At 11:50 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State

By: Miriam R. Kershner
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 22-021.2
22-022.1
22-022.3
22-023
22-027.1

Repeal:

Section 22-025.12

Renumber:

Section 22-025.12 (renumbered from 22-025.13)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On December 10, 1971 the United States District Court, Northern District of California, in the case of Yee-Litt v. Richardson and Carleson enjoined the Director, State Department of Social Welfare, from withholding welfare assistance benefits to those recipients who had filed a timely request for a fair hearing until a decision had been made in each such case.
2. On January 17, 1972 the Director filed with that court his Motion to Vacate the court's order of December 10, 1971 accompanied by regulations prepared by him for the court's approval which were designed to ensure that he could properly enforce the provisions of 45 CFR 205.10(a) (5) (iii) (a) (1).
3. On March 16, 1972 that court entered its order modifying its December 10, 1971 order to allow the Director, State Department of Social Welfare, to file and implement such regulations.
4. The immediate promulgation of the regulations described above is required for the protection of public funds as public assistance benefits must be paid to many recipients who are not legally entitled thereto, and to comply with the court's order of March 16, 1972.
5. Adoption of these regulations on an emergency basis is necessary in order to preserve the issues involved in Yee-Litt v. Richardson and Carleson as the court has not yet made a final determination of the issues in the case.

Adoption of these regulations is required effective immediately upon filing with the Secretary of State.

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CONTINUATION SHEET
**R FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

22-021 EXPLANATION OF RIGHT TO FAIR HEARING (Continued)

22-021

22-022 ASSISTANCE PENDING HEARING

22-022

- .1 Where the county action would result in a termination, suspension, or reduction of an assistance grant, the county must mail to the person affected, at least 15 days prior to the effective date of that action, a written notice on State Department of Social Welfare Form ABCD 239, in duplicate, which will include:

- .2 Written notice of the right to a fair hearing shall be included in every notification to the applicant or recipient of the granting, denial, decrease, discontinuance, suspension or increase in aid, or request for repayment, and to an adult child when the determination is made that he is liable for contributions or where there is a change in a prior county determination regarding aid. In all cases, the notice shall be prepared on State Department of Social Welfare Form ABCD 239 and mailed to the claimant or recipient in duplicate and in language understandable to the person receiving such notification.

22-022 ASSISTANCE PENDING HEARING (Continued)

22-022

- .3 Where the person affected has filed his request for a fair hearing within the 15-day period, the assistance will be continued, without change, until the fair hearing decision is rendered, unless prior thereto the Chief Referee determines that the issue involved in the fair hearing request is one of state policy and not one of fact or judgment in the individual case, including a question of whether State rules were correctly applied by the county to the facts of the case. In no case, however, shall such determination be made by the Chief Referee until after receipt by him of a report from the county welfare department in accordance with the requirements of Section 22-023.1. In all cases, when the Chief Referee does determine the issue, he shall base his determination on the information contained in the county Notice of Proposed Action (see Section 22-022.1), and in the county report (see Section 22-023.1) and in the recipient's request for fair hearing.

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CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING

22-023

.1 Preliminary Review and Report to the Chief Referee

- .11 Upon receipt of the notice from the Chief Referee that a recipient has filed a request for a fair hearing with his office, the county shall immediately ascertain whether the request for fair hearing was filed within 15 days after the mailing by the county of the notice required by Section 22-022.1 above. If the request was not filed within that 15-day period, the county shall immediately notify the Chief Referee of such fact.
- .12 If, pursuant to Section 22-023.11 above, the county determines that the fair hearing request was timely filed within the 15-day period, the county shall immediately contact the claimant and his authorized representative, if any, to obtain the facts pertaining to whether his claim involves only a question of state agency policy and not one of fact or judgment relating to the individual case, including a question of whether the state agency rules or policies were correctly applied to the facts of the particular case.
- .121 The contact required by Section 22-023.12 shall be by telephone or in person. If, after due diligence, both such methods prove to be unsuccessful, the county shall mail to the claimant a request that the claimant, within seven days, contact a designated county welfare employee (which person shall be someone who was not involved in making the original decision giving rise to the request for the fair hearing), informing the claimant that it is necessary for the county to obtain facts pertaining to the nature of the issues raised by his fair hearing request and further informing the claimant that his failure to respond to the request may result in the reduction, suspension or termination of his assistance pending a fair hearing decision in his case.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**R FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE
 FAIR HEARING (Continued)**

22-023

.13 After obtaining the information required by Section 22-023.12, the county shall reduce that information to writing on the bottom of the reverse side of a copy of the Form ABCD 239 involved in the case or on a separate sheet attached thereto and shall forward a copy of that completed form and information to the Chief Referee within five (5) working days after receipt by the county of the notice that a fair hearing request has been filed. The county shall include on the copy of the Form ABCD 239 the date on which the original form was actually mailed to the particular claimant.

.131 If the county is unable to comply with the time-period requirement imposed by Section 22-023.13 because the county was required to make written contact with the claimant, then the county shall comply with the reporting requirements of Section 22-023.13 forthwith after receipt by the county of the information required by Section 22-023.12.

.132 If the claimant refuses or fails to provide the county with the requisite facts pertaining to the nature of the issues raised by his fair hearing claim, the county shall forward to the Chief Referee, not later than two days after the elapsing of the seven-day period provided for in Section 22-023.121, a copy of the Form ABCD 239 involved in the case together with a summary of the dates and manner of compliance by the county with the requirements of Sections 22-023.12 and 22-023.13 and a statement concerning the refusal or failure of the claimant to provide facts concerning the fair hearing issues raised by his claim.

.133 In no case shall the reports required by Sections 22-023.131 or 22-023.132 be submitted by the county to the Chief Referee later than twelve (12) days after receipt by the county of the notice from the Chief Referee that a request for a fair hearing has been filed with his office.

.2 Preparation for the Hearing - Prior to the fair hearing, the county welfare department shall:

.21 Review the applicable State law, regulations and policies in light of the evidence. When assistance of the State Department of Social Welfare is required to clarify any question, such assistance shall be sought without delay.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE
FAIR HEARING (Continued)

22-023

- .22 Organize all oral and written evidence and plans for its presentation at the hearing to avoid unnecessary delay or duplication. Where county policy directives or instructions are involved in the matter, copies of those documents shall be presented at the hearing.
- .23 Arrange for the attendance of all necessary witnesses and the availability of all documents for presentation of the county's case, including notification to the Chief Referee, of any communication problem possessed by the claimant.
- .24 If the issue is:
- .241 amount of aid;
- .242 grant adjustment; or
- .243 demand for repayment;
- prepare a complete final budget computation, month by month, for the period subject to review, and up to the date of hearing.
- .25 Continue to remain in touch with the claimant, and to report without delay to the Chief Referee any change in the circumstances of the applicant or recipient, or in his address, or in any other area which might affect the necessity for or conduct of the hearing. This responsibility continues after the hearing and at least until a decision is rendered.
- .26 Arrange to have present at the hearing a county welfare department representative with full authority to make binding agreements and stipulations on behalf of the county welfare department.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-025 HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID (Continued) 22-025

- .12 send the case record, containing all relevant information in the county welfare department's possession, to the welfare department of the county in which the claimant is living, with the request that the second county welfare department represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county welfare department to arrange such representation or notify the first county welfare department of its inability to act. The first county welfare department would then, necessarily, follow one of the other two procedures.

22-027 COMPLIANCE WITH STATE DEPARTMENT OF SOCIAL WELFARE
DECISIONS (Continued)

22-027

- .1 Immediately upon receipt of notice of the decision (excepting decisions rendered in appeals by an adult child liable for contributions, see Section 22-027.3), the county shall comply with the decision and shall notify the Office of the Chief Referee by completing a compliance form issued by the State Department of Social Welfare or shall request a rehearing. If the decision is in favor of the claimant on the issue involved, but aid has not been paid by the county, the notice to the State shall include a complete statement of the reasons why the county has not complied with that decision.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective NOV 10 1972

Section 22-025.12

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

November 16, 1972

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on July 21, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

RECEIVED FOR FILING

NOV 16 1972

Office of Administrative Hearings *mfs*

RECEIVED FOR FILING

NOV 17 1972

Office of Administrative Hearings

FILED

In the office of the Secretary of State
of the State of California

NOV 17 1972

At 9:30 o'clock *a* M. *m*

EDMUND G. BROWN Jr., Secretary of State

By *Marjorie R. Kershberger*
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 17 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

NOV 17 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: Nov. 16, 1972By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 17 1972

At 9:30 o'clock a M.

EDMUND G. BROWN Jr., Secretary of State

By Margie R. Hershey
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-207.1
44-208.1
44-209.5
44-311.111
44-311.113

DO NOT WRITE IN THIS SPACE

(CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare and Institutions Code:
 - a. Requires an annual cost-of-living adjustment of grants paid to recipients in independent living arrangements receiving aid pursuant to the Old Age Security, Aid to the Blind, Aid to the Potentially Self-Supporting Blind, and Aid to the Disabled Programs.
 - b. Permits the Director of Social Welfare to increase payments to recipients who reside in Nonmedical Board and Care Facilities.
2. The Director of Social Welfare by formal Declaration dated September 1, 1972:
 - a. Established the appropriate cost-of-living increases to be included as part of the grants to be paid such recipients.
 - b. Increased payments to recipients in Nonmedical Board and Care Facilities.
3. The Declaration established the effective date of the cost-of-living increases as December 1, 1972.
4. In order for recipients in the above aid categories to receive these increased benefits effective December 1, 1972, amendments to the regulations incorporating such increases are adopted as emergency measures.

The regulations changes set forth above are adopted as emergency measures to become effective on December 1, 1972.

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —
OWN HOME (Continued)

44-207

AB
ATD
OAS

.1 NEEDS CHART — RECIPIENT LIVING IN HIS OWN HOME

.11 Recipient Lives Alone

| Item | Allowance by program | | |
|---|----------------------|----------------------|----------------------|
| | AB | ATD | OAS |
| Minimum needs common to every adult aid recipient | \$ 92.00 | \$ 92.00 | \$ 92.00 |
| Minimum needs related to age, blindness or disability | \$ 48.00 | \$ 26.00 | \$ 33.00 |
| Chapter 1022, Statutes of 1972 increase | 12.00 | 12.00 | 12.00 |
| Minimum housing need | 30.00 | — | 21.00 |
| TOTAL | \$182.00 | \$130.00 | \$158.00 |
| Housing allowance beyond minimum (Allowed if paid by recipient) | \$0-33.00 | \$0-63.00 | \$0-42.00 |
| Minimum and maximum ^{1/} need amounts | \$182.00 \$215.00 | \$130.00 \$193.00 | \$158.00 \$200.00 |

^{1/} For exceptions, see Section .21, below.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT — 44-207
OWN HOME (Continued)

AB
ATD
OAS

.12 Recipient in Shared Living Arrangement

| Item | Allowance by program | | |
|---|----------------------|----------------------|----------------------|
| | AB | ATD | OAS |
| Minimum needs common to every adult aid recipient | \$ 92.00 | \$ 92.00 | \$ 92.00 |
| Minimum need related to age, blindness or disability | \$ 48.00 | \$ 21.00 | \$33.00 |
| Chapter 1022, Statutes of 1972 increase | 12.00 | 12.00 | 12.00 |
| Minimum housing need | 30.00 | -- | 21.00 |
| TOTAL | \$182.00 | \$125.00 | \$158.00 |
| Housing allowance beyond minimum (Allowed if paid by recipient) | \$0-15.00 | \$0-45.00 | \$0-24.00 |
| Minimum and maximum ^{1/} need amounts | \$182.00 \$197.00 | \$125.00 \$170.00 | \$158.00 \$182.00 |

^{1/} For exceptions, see Section .21, below.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -
BOARD AND ROOM**

44-208

AB .1 Needs Chart - Recipient Living in Board and Room Arrangement

ATD
OAS

| Item | Allowances by program | | |
|--|-----------------------|----------------------|----------------------|
| | AB | ATD | OAS |
| Minimum needs common to every adult aid recipient | \$ 55.00 | \$ 55.00 | \$ 55.00 |
| Minimum needs related to age, blindness or disability | \$ 39.00 | \$ 21.00 | \$ 26.00 |
| Chapter 1022, Statutes of 1972 increase | 12.00 | 12.00 | 12.00 |
| Minimum board and room | 76.00 | -- | 65.00 |
| TOTAL | \$182.00 | \$ 88.00 | \$158.00 |
| Board and room allowance beyond minimum (Allowed if paid by recipient) | \$0-26.00 | \$0-87.00 | \$0-37.00 |
| Minimum and maximum ^{1/} need amounts | \$182.00 \$208.00 | \$ 88.00 \$175.00 | \$158.00 \$195.00 |

^{1/} See exception in .2, below.

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS

44-311

AB .1 Program Grant Maximums

ATD
OAS

There are different monthly grant maximums for the various public assistance programs.

.11 Recipient in Independent Living Arrangement (See Sections 44-207 and 44-208.)

AB .111 Grant Maximum for the Blind

The grant maximum is \$232 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

ATD .112 Grant Maximum for the Disabled

There is no statutory maximum.

OAS .113 Grant Maximum for the Aged

The grant maximum is \$223 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE FACILITIES (Continued)

44-209

AB
ATD
OAS

.5 Determination of Need — Recipient in Group I or Group II Nonmedical Board and Care Facility

Need of the recipient who is classified for Group I or Group II care is determined as set forth below in relation to the level of care he requires and receives. Special needs are not allowed.

| Need Items | Group I Minimum to Moderate Care and Supervision | Group II Extensive care and Supervision |
|---|--|---|
| A. Board, room, personal care and supervision. Allow charge for care* <u>not to exceed</u> Components of maxima 1) Shelter and utilities 2) Food 3) Personal care and supervision, including minimum basic services normally required for licensing. | \$175.00 | \$200.00 |
| B. Personal and Incidental Needs** (Personal expenses, transportation, recreation, etc.) | \$ 40.00 | \$ 26.00 |
| C. Clothing, dry cleaning, extra laundry, shoe repair and other similar needs not normally provided by the facility. | \$ 15.00 (50¢ per day) | \$ 15.00 (50¢ per day) |
| D. Totals — Based on <u>maxima</u> for board, care and supervision. | \$230.00 | \$241.00 |

* If the charge per month exceeds the specified ceiling, see Section 44-111.422 c.

** If these needs are provided in whole or in part by the facility for an additional service charge, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

November 22, 1972

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on July 26, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 44-207.212 d.

Effective July 26, 1972

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

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NOV 22 1972

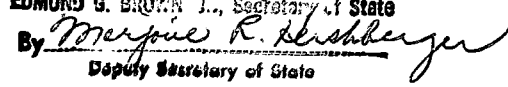
Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

NOV 22 1972

At 1:50 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By 
Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

November 22, 1972

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on July 28, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Amend Section 44-209.5 Effective July 28, 1972

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

RECEIVED FOR FILING

NOV 22 1972


Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

NOV 22 1972

At 5:50 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

November 22, 1972

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on July 26, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

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FILED
In the office of the Secretary of State
of the State of California

NOV 22 1972

At 1:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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APPROVED FOR FILING

Code 11380.2)

NOV 22 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 22, 1972

By:

Director

(Title)

FILED
In the office of the Secretary of State
of the State of California

NOV 22 1972

At 5:50 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By: *Mervin R. Hershenov*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

Amend:

Section 42-101.3
42-103.2
42-103.51
42-103.52
44-113.231(b)
44-213.5

Repeal:

Section 42-101.32
42-105
42-107
44-103.24

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-101 AGE REQUIREMENT (Continued)

42-101
 .3 A child is eligible on the basis of age when his 18th birthday only if

AFDC

he is unmarried.

.31 Aid may be granted in behalf of a child if he is unmarried and
between his 18th and 21st birthdays and is regularly attending
school or a training program or if enrolled in an institution of
higher education he must be:

.311 Attending regularly on a full-time basis (the equivalent
of at least 12 units), and

.312 Achieving a combined quarter or semester average grade
that is passing, and

.313 Progressing in a manner which, if sustained, can reasonably
be expected to lead to graduation and a capability of
self-support.

42-103 DEFINITION OF REGULAR SCHOOL OR TRAINING PROGRAM ATTENDANCE (Cont) 42-103

.2 Regular Attendance in a Training Program - Participation in a planned

AFDC

coordinated program of work experience, training (including apprenticeship
training) and related instructions designed to prepare the child for a
vocation. A child age 18 through 20 who is certified to WIN and
otherwise meets conditions established for WIN participants is considered
to meet the age requirement from the date of certification, even though
actual enrollment in training is precluded by the lack of WIN training
slots.

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CONTINUATION SHEET
**R FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-103 DEFINITION OF REGULAR SCHOOL OR TRAINING PROGRAM ATTENDANCE
 (Continued)

42-103

AFDC .51 The child is certified to WIN within 30 days from the dropout date,

or

.52 The child has a bona fide educational plan to be implemented within the next three months or at the beginning of the next school term, whichever is later, as determined by the county.

44-113 NET INCOME (Continued) .231 Personal Expenses (Cont) 44-113

AB
APSB
ATD
OAS
AFDC

(b) Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. In accordance with Section 30-156, child care expenses related to training are paid from administrative funds and not deducted from income.

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

.5 Exclusions

AFDC

Persons specified in Sections 44-213.3 and 44-213.4 shall be excluded from the family budget unit under the following circumstances:

- .51 Exclude a person who receives OAS, AB, APSB or ATD.
- .52 Exclude a child, and the child's parent, when the child's eligibility depends on the action of the parent, and the parent refuses to cooperate in determining eligibility or with law enforcement officials (for limitations, see Section 43-119).

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective December 22, 1972:

Section 42-101.32

Section 42-105

DEFINITION OF DISABILITY

Section 42-107

DEFINITION OF EMPLOYED AND CONTRIBUTING TO
THE FAMILY

Section 44-103.24

DO NOT WRITE IN THIS SPACE

FACE SHEET
F FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 28 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

NOV 28 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 28, 1972

By: 

Director

(Title)

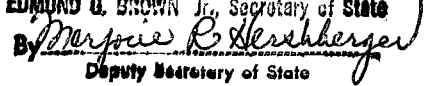
FILED

In the office of the Secretary of State
of the State of California

NOV 28 1972

At 2:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By  Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-115.95

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On August 16, 1972 the Director of Social Welfare adopted emergency regulations to ensure that when AFDC grants take income in kind into account when family budget units are increased to include an unborn child that a grant reduction would not result because of the addition of an unborn child to the family budget unit.
2. A possibility exists that the basic grant may be too low in the case of a pregnant woman who has no children because the aid standard may not adequately relate to the needs of an adult.
3. As an interim measure, pending a public hearing, these regulation revisions will provide a grant increase of \$47 per month to a pregnant woman with no children.
4. It is necessary to adopt these regulation changes on an emergency basis to ensure that no irreparable damage is caused during the interim period prior to the adoption of permanent regulations.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

.95 Unborn Child Included in the FBU

.951 When the FBU includes only the mother and the unborn child, the in-kind deductions for housing, utilities, food and clothing furnished the unborn by the mother shall be \$18.

.952 In all other cases where an unborn child is included in the FBU, the in-kind deduction shall be the total of the amounts by which the above in-kind values for housing, utilities, food and clothing are increased as a result of including the unborn in the FBU.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 11 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 11 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 11, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 11 1972

At 2:15 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

Adopt:

Section 41-450.25

Renumber:

Section 41-450.26 (renumbered from former 41-450.25)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-450 CONTINUED ABSENCE OF A PARENT (Continued)

41-450

AFDC

- .25 The remaining parent has presented a signed, written statement (see .5 below) that the other parent has left the family and that dissociation within the definition of "continued absence" exists.
- .26 Both parents are physically out of the home and their whereabouts are not known.

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

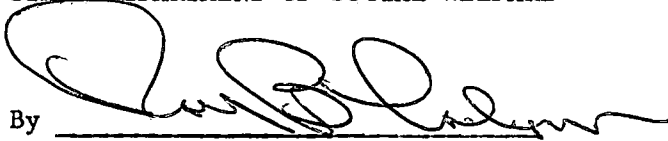
744 P STREET
SACRAMENTO 95814

December 1, 1972

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, GOVERNMENT CODE

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on August 4, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

STATE DEPARTMENT OF SOCIAL WELFARE

By 
ROBERT B. CARLESON, Director

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DEC 4 1972

Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

DEC 4 - 1972

At 3:45 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By 
Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

December 11, 1972

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DEC 11 1972

Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of CaliforniaDEC 11 1972
At 2:50'clock P. M.
EDMUND G. BROWN, Jr., Secretary of State
By *Margie B. Hersberger*
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order or repeal) filed with the Secretary of State on August 17, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social Welfare

By 

ROBERT B. CARLESON, Director

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

December 11, 1972

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on August 14, 1972, which became effective on August 14, 1972.

State Department of Social Welfare

By 

ROBERT B. CARLESON, Director

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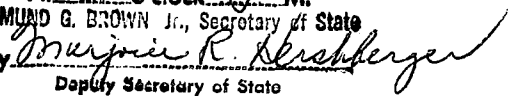
Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

DEC 11 1972

At 2:15 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

December 11, 1972

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In the office of the Secretary of State
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At 2:15 o'clock P.M.
EDMUND G. BROWN, Jr., Secretary of State
By Marjorie B. Hershberger
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on August 16, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social Welfare

By 

ROBERT B. CARLESON, Director

1 FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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DEC 15 1972

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APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 15 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 15, 1972

By: 

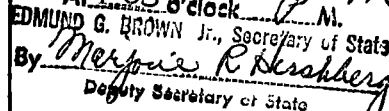
Director

(Title)

FILED
In the office of the Secretary of State
of the State of California

DEC 15 1972

At 4:35 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State
By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 40-171.211
40-171.212
40-171.221a
42-303
42-309
44-315.4

Adopt:

Section 44-315.5

Repeal:

Section 44-313

DO NOT WRITE IN THIS SPACE

1) CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971, was to have become effective on October 1, 1971, but its operation was modified in part by the Supreme Court of California in the case of Virginia Villa v. Hall.
2. On April 11, 1972 the United States Supreme Court issued an order staying the decision of the Supreme Court of California in the case of Virginia Villa v. Hall. The effect of that order was to require the implementation of Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971.
3. In order to implement Welfare and Institutions Code Section 11450 in a manner consistent with the order of the United States Supreme Court, emergency regulations were adopted on April 20, 1972.
4. On May 30, 1972, the United States Supreme Court vacated the decision of the California Supreme Court in the case of Virginia Villa v. Hall.
5. In order to permit counties to continue computation of AFDC grants consistent with the orders of the United States Supreme Court in the case of Virginia Villa v. Hall, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTERPROGRAM STATUS CHANGES (Continued) 40-171

AB
ATD
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AFDC
MN

.211 Application Granted - General (see Section 42-303)

If eligibility is established / payment of aid in a specified amount and to begin at a specified time, shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

(see Section 42-303)

Every applicant who is determined to be eligible / shall be certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3. (W&IC 14017) The effective date of certification is determined as provided in Section 44-317.

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued) 40-171

AB
ATD
OAS
AFDC
MN

**.221 County action shall be taken to deny aid if:
public assistance**

- a. Proof of ineligibility for / or for certification for medical assistance as medically needy is obtained. This does not apply when the applicant will become eligible within 60 days of his application. (See Section 40-171.11.)

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CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

42-303 AFDC REQUIREMENTS

42-303

AFDC

An applicant or recipient is financially eligible during any month in which his gross income minus the exemptions and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

| Number of Persons Within the FBU | Basic Standard of Adequate Care |
|-------------------------------------|------------------------------------|
| 1 | \$125 |
| 2 | 210 |
| 3 | 255 |
| 4 | 314 |
| 5 | 362 |
| 6 | 408 |
| 7 | 449 |
| 8 | 496 |
| 9 | 543 |
| 10 | 590 |

Plus five dollars (\$5) for each additional person within the FBU.

- .1 All applicable income exemptions listed in Section 44-111, but not including family or student exemptions described in Sections 44-111.23 and .24 at the time of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer.
- .2 All applicable deductions from gross earnings of work-related expenses listed in Section 44-113.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-309 DISCONTINUANCE DUE TO FINANCIAL ELIGIBILITY

42-309

AB
APSB
ATD
OAS

Aid to a recipient shall be discontinued because of financial ineligibility in the following instances:

.1 When the grant the recipient would be entitled to receive during a payment period is zero (unless it is reduced to zero in order to adjust for a prior overpayment see Section 44-335), effective the last day of the previous payment period.

AFDC

.2 When the recipient fails during a budget period to meet the financial eligibility test outlined in Section 42-303.1, effective the last day of the previous payment period.

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CONTINUATION SHEET
**R FILING ADMINISTRATIVE REGULAT
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.4 Determining Amount of Grant - Child Living With Parent or Relative.41 Child Living With Parent or Relative (Basic Cash Grant)

Calculate the amount of the basic cash grant as follows:

- .411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

| <u>Size of FBU</u> | <u>Maximum Aid</u> |
|--------------------|--------------------|
| <u>1</u> | <u>\$115</u> |
| <u>2</u> | <u>190</u> |
| <u>3</u> | <u>235</u> |
| <u>4</u> | <u>280</u> |
| <u>5</u> | <u>320</u> |
| <u>6</u> | <u>360</u> |
| <u>7</u> | <u>395</u> |
| <u>8</u> | <u>430</u> |
| <u>9</u> | <u>465</u> |
| <u>10</u> | <u>500</u> |

- .412 Round to the nearest dollar the net nonexempt income (Section 44-100), including in-kind income, with amounts of 50 cents or more rounded to the next higher dollar figure.

- .413 Compare net nonexempt income determined in .412 with the appropriate figure from .411. If .411 is greater than .412, the difference shall be paid as the basic cash grant. If net nonexempt income exceeds the maximum aid payment allowable, the case is classified as a zero basic grant case. Such eligible cases may be entitled to benefits other than the basic grant, including payment of special needs.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.42 Child Living With Parent or Relative (Special Needs)

Any FBU, when the net nonexempt income is less than the Minimum Basic Standard of Adequate Care (Section 44-212), is considered to be an eligible assistance case and may receive payment for special needs determined as follows:

.421 Round to the nearer dollar the amount of recurring special needs (see Section 44-265.2) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

| <u>Size of FBU</u> <u>(Per Section 44-213.3)</u> | <u>Maximum Amount for</u> <u>Recurring Special Needs</u> |
|---|---|
|---|---|

| | |
|----|------|
| 1 | \$10 |
| 2 | 20 |
| 3 | 20 |
| 4 | 34 |
| 5 | 42 |
| 6 | 48 |
| 7 | 54 |
| 8 | 66 |
| 9 | 78 |
| 10 | 90 |

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

.423 The amount determined in .421, up to the limitation determined in .422, shall be paid in addition to the basic cash grant.

.424 Round to the nearer dollar the amount of nonrecurring special needs (Section 44-265.3) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.425 Payment for nonrecurring special needs shall be added to that determined payable as the basic cash grant and for recurring special needs, provided that any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring special needs is applied to meet the cost of nonrecurring special needs.

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R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC.5. Determining Amount of Grant - Child Living in a Foster FamilyHome or Private Institution

Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care payment is determined by:

- a. Rounding to the nearer dollar total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special need as determined under Section 10-225 and Section 44-267 respectively, with amounts ending in 50 cents or more rounded to the next higher dollar,

and

- b. Subtracting the rounded current net income from rounded total need.

The amount of the AFDC foster care payment is the exact amount of the difference between a. and b.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective DEC 15 1972

Section 44-313 MAXIMUM STATE PARTICIPATION BASE - CHILDREN'S
PROGRAMS

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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Gov. Code 11360.2)

DEC 15 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 15, 1972

By: 

Director

(Title)

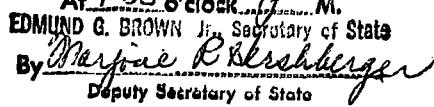
FILED

In the office of the Secretary of State
of the State of California

DEC 15 1972

At 4:35 o'clock P.M.

EDMUND G. BROWN Jr. Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.2
44-113.2
31-204

Repeal:

Section 44-113.25
44-114

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 28.1 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) established new statutory requirements concerning work-related expenses.
2. Subsequent to the enactment of this law, the case of Conover et al. v. Hall et al. was filed in the Superior Court of Sacramento County. This case relates to the provisions of Section 28.1.
3. The Director of Social Welfare has, since the enactment of the Welfare Reform Act of 1971, adopted emergency regulations implementing Section 28.1 and a preliminary injunction issued in the case of Conover et al. v. Hall et al.
4. Emergency regulations relating to work-related expenses have also been adopted to prevent undue hardship upon affected recipients and to equitably adjust the reimbursement or deduction of necessary costs of transportation.
5. On November 13, 1972 the Court of Appeal, in the case of Conover et al. v. Hall et al., upheld the validity of a standard allowance for work-related expenses. On December 7, 1972 plaintiff requested a hearing before the California Supreme Court.
6. Pending final resolution of this litigation, it is necessary to continue in force by the adoption of these emergency measures the work-related expense regulations previously adopted to permit counties to continue allowing the deduction of work-related expenses as provided by federal law and regulation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS
INCOME (Continued)**

44-111

.2 Exemption of Earned Income — General

ATD
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued)

44-113

.2 Earnings

AB
APSB
ATD
OAS
AFDC
MN

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

AB
ATD
OAS
AFDC

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

AB
APSB
ATD
OAS
AFDC

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

AB
APSB
ATD
OAS

.22 Earnings of Ineligible Spouse

Net income received by an ineligible spouse from his own earnings is computed as follows:

- .221 Determine gross income from such earnings.
- .222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

- .223 Any remainder is considered net income of the spouse.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC

.23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

(b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

(c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

(d) Transportation — The necessary costs of transportation to and from work shall be allowed as follows:

(1) If the recipient uses his own motor vehicle — 12 cents/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12 cents/mile, the excess shall be net nonexempt income to the recipient.

(2) If the recipient rides in a private motor vehicle other than his own — the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6 cents/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or streetcar), if the county determines that it is available to the recipient.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11180.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC

.232 Nonpersonal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d) above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses — The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

.24 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

.241 Court-Ordered Support Payment by Natural Parent

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

.242 Child's Income

Only the amounts exempted under Section 44-111.23 and 44-111.24 may be deducted from a child's income.

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**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

AFDC
ATD
AB
OAS

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service.
- .2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution.
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary.
- .4 Meet the allowable cost of expenses incurred by a participant in meeting the requirements of the program, if not provided by other agencies. Allowance for such expenses shall be the same as that outlined in Section 30-156.3 plus the reasonable and necessary costs of tuition, books, tools, and other supplies required by the program. The expenses shall be met from administrative funds only.
- .5 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.
 - .51 The decision that social services are not required shall be substantiated in the case record.
 - .52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.
- .6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective DEC 15 1972

Section 44-113.25 Other Deductions from Net Income

44-114 DETERMINATION OF WORK-RELATED TRANSPORTATION EXPENSES

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FACE SHEET
FC FILING ADMINISTRATIVE REGULA NS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 15 1972

Office of Administrative Hearings

ENDORSED
 APPROVED FOR FILING
 (Gov. Code 11380.2)
DEC 15 1972

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 15, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

DEC 15 1972

At 4:35 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By 
 Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 10-036.5
 30-265.2
 30-265.3
 40-125.25
 42-503.1
 42-503.5

Section 42-505.2
 42-505.21
 42-511
 44-209.1
 44-209.2
 44-209.32
 44-209.4

Section 44-211
 44-301
 44-305.11
 44-305.21
 44-311.121
 44-311.122
 44-315.22

Repeal:

Section 10-036.42
 44-209.6
 44-303.34
 44-315.4

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Amendments to the Social Security Act, effective January 1, 1972, brought intermediate care facility services under Title XIX of said act (Medicaid).
2. In order to comply with these amendments, to make such services available to the medically needy and continue the availability to public assistance recipients, and to enable the state to obtain federal financial participation in payment for such services the Legislature enacted urgency legislation (Chapter 32, Statutes of 1972) which became effective on March 23, 1972. This legislation required the transfer of supervision of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services.
3. In order to effect the transfer of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services in compliance with state and federal law and acting under the urgent necessity of retaining federal financial participation in payment for intermediate care facility services, the Director of Social Welfare adopted emergency regulations on April 19, 1972.
4. In order to continue in force regulations adopted pursuant to these changes in federal and state law and to ensure continued federal financial participation, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

10-036 CONTROL METHOD FOR OUT-OF-HOME CARE - ADULTS (Continued)

10-036

.5 Referral to County Welfare Department:

- .51 Make referrals to county welfare department for social services needed by recipients in intermediate care and nursing homes.
- .52 Refer to the county welfare department request for action:
 - .521 To transfer recipient to a different level of care.
 - .522 To arrange for a recipient's discharge from out-of-home care and to assist with his return to the community.
 - .523 Furnish county welfare departments with copies of all social service assessments for recipients in nursing home care and intermediate care.

30-265 TYPES OF OUT-OF-HOME CARE FACILITIES (Continued)

30-265

.2 Intermediate Care Facility

Intermediate care is provided in a facility licensed or authorized by the State of California. Admission shall be prescribed as set forth in Title 22, Division 3, The California Administrative Code.

- .21 Social services shall be provided by the county welfare department. Such services may be requested by the Medi-Cal beneficiary, attending physician, team, or others.
- .22 An annual social service assessment is required for cash grant recipients. This requirement is met by the Medical Social Review Team's assessment.

.3 Nursing Home Care or Hospital Care

Nursing home care or hospital care is provided in a facility licensed or authorized by the State of California.

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to Medi-Cal beneficiaries subject to the requirements and limitations set forth in Title 22, Division 3, The California Administrative Code.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND
RESTORATIONS (Continued)**

40-125

AB
ATD
OAS
AFDC
MN

- .25 Medical Facility - As used herein means an intermediate care facility, a nursing home or hospital, including a facility licensed by the Department of Mental Hygiene for the care of the mentally ill. (Section 40-189.123).

42-503 DEFINITIONS

42-503

AB
ATD
OAS
AFDC

.1 Institution

An institution is a public or private facility which provides shelter and care, treatment of physical or mental illness, custody (nonmedical) or restraint (penal or correctional). An institution may be a hospital, nursing home, intermediate care facility, board and care home (for AFDC, licensed for more than six children), prison or other correctional facility.

42-503 DEFINITIONS (Continued)

42-503

AB
ATD
OAS
AFDC

.5 Medical Institution

A medical institution is any public or private hospital, nursing home, intermediate care facility, or other medical facility which is licensed or formally approved as a hospital, nursing home or intermediate care facility by an officially designated State standard-setting authority and is certified to receive patients for inpatient care under the Medi-Cal program. Subject to this requirement a medical institution includes public or private general hospitals, tuberculosis hospitals and hospitals for the mentally ill or mentally retarded. A federal hospital is also classified as a medical institution though not eligible to participate in the Medi-Cal program.

42-505 ELIGIBILITY IN A PUBLIC INSTITUTIONS (Continued)

42-505

AB
ATD
OAS

.2 Public Medical Institution or Intermediate Care Facility

.21 Adult

An otherwise eligible "patient" in a public medical institution or a patient in a facility approved for intermediate care as provided in Title 22 of the California Administrative Code is eligible to receive aid except as provided in Sections .211 through .214 below. (Even though ineligible under one or more of these subsections, the person may apply for and, if otherwise eligible, receive his first monthly payment before leaving the institution as provided in Section 42-517 below.)

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(Pursuant to Government Code Section 11380.1)

42-511 ELIGIBILITY IN A PRIVATE INSTITUTION

42-511

AB
ATD
OAS

An otherwise eligible "patient" or inmate in a private institution, including a private medical institution is excluded from eligibility to receive aid only when one or more of the conditions specified in Sections .1 through .3 below, exist.

(A private hospital or nursing home, or intermediate care facility which is not certified for Medi-Cal is considered in the same manner as a nonmedical institution. The otherwise eligible patient or inmate in such facility may receive aid unless excluded under Sections .1 through .3 below. See Section 44-211.2 for need determination in such facility.)

**44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
AND CARE FACILITIES**

44-209

AB
ATD
OAS

.1 Purpose

The primary purpose of these regulations is to (a) define the various levels of out-of-home care which may be required by a recipient and (b) establish criteria and need standards, for those levels of care which fall specifically within the scope of the OAS, AB and ATD programs, which will enable the recipient to obtain the level of care most appropriate to his needs.

Group I and Group II nonmedical board and care are the two levels of out-of-home care which fall specifically within the scope of the OAS, AB and ATD programs, and these regulations are directed primarily to these two levels of care.

Care in hospitals, nursing homes and intermediate care facilities represent additional levels of out-of-home care available in OAS, AB and ATD recipients who require inpatient medical or health-related care. However, criteria and need standards for such care fall within the scope of the Medi-Cal program and are covered in Medi-Cal regulations. (See Title 22, Division 3, California Administrative Code.)

The regulations set forth herein are intended to:

- a. Integrate, insofar as is possible, the system for providing nonmedical board and care with the system for providing intermediate or medical out-of-home care;
- b. Assist the individual to obtain the level of care most appropriate to his needs; and
- c. Facilitate prompt changes from one level of care to another when the type of care required by the individual changes.

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(Pursuant to Government Code Section 11380.1)

**44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND
CARE FACILITIES (Continued)**

44-209

AB
ATD
OAS

.2 Definitions and General Information

.21 Out-of-Home Care

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care and designated supplementary services related to his individual needs. (See .3 below.)

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes of friends, relatives or other facilities which provide personal care and supervision but are not licensed because, under state law, they are not subject to any licensing requirements.

On and after October 1, 1972, "out-of-home care" within the scope of these regulations may include care in a home or facility which is subject to licensing only if application for a license has been filed but not yet acted upon.

.22 Nonmedical Board and Care Facility

A "nonmedical board and care facility," as used herein, is interpreted broadly to include homes or facilities described in Section .21, Subsections a., b., and c. above.

**44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
AND CARE FACILITIES (Continued)**

44-209

AB
ATD
OAS

.32 Medical Care

.321 Intermediate Care

Intermediate care, as distinguished from nonmedical board and care, is health related and, in addition to personal and social care, includes supportive, restorative and preventive health services, and intermittent skilled nursing care. This level of care is available to recipients subject to the limitations and requirements set forth in Title 22 of the Administrative Code.

Services provided for recipients in intermediate care facilities are set forth in Section 30-265.2.

.322 Inpatient Care in a Nursing Home or Hospital

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to OAS, AB and ATD recipients subject to the limitations and requirements set forth in Title 22 of the Administration Code.

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(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
AND CARE FACILITIES (Continued)

44-209

AB
ATD
OAS

.4 Responsibilities of County Staff

A close working relationship between the services system and the income maintenance system in the county is essential to assure that the individual is classified for and receiving the level of care he needs, and that the aid payment to him is in the correct amount. (See Section 30-260.)

.41 County Services System Responsibilities

The county services system has primary responsibility for social assessments and for determination of the appropriate level of care, i.e., Group I or Group II, for recipients in nonmedical board and care facilities. Specific responsibilities of the services system are set forth in Sections 30-260 and 30-265.

.42 Income Maintenance System Responsibilities

The income maintenance system has primary responsibility for the determination of eligibility of recipients in nonmedical out-of-home care and for assuring that aid payments are in the correct amount based upon the appropriate level of care as determined by the county services system.

Other specific responsibilities of the income maintenance system with respect to recipients in out-of-home care include:

- a. Initiation of request to the services system for determination of appropriate level of care and for placement services, as needed. Such requests will be made on:
 1. New applications where the individual is already living in out-of-home care or such care appears needed and there is no current determination of the level of care required.
 2. Continuing cases where the recipient is in nonmedical board and care and a redetermination of the appropriate level of care is needed. (See Section 30-265.) Such requests are to be directed to the services system sufficiently in advance to permit redetermination.
 3. Continuing cases where some change in living arrangement or in level of care appears to be indicated.
- b. Assuring that all necessary documentation is in the county record, including current documentation to support the aid payment, and the level of care required and received by the individual.

.43 Controls

Controls must be established and maintained which will assure that timely review and reevaluation of the individual's needed level of care is made as provided in Section 30-260.

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(Pursuant to Government Code Section 11380.1)

44-211 MINIMUM NEEDS OF RECIPIENTS IN MEDICAL FACILITIES AND
INTERMEDIATE CARE FACILITIES

44-211

AB
ATD
OAS

- .1 Applicant or Recipient is a Patient in a Medical Facility or an Intermediate Care Facility Which is Certified to Provide Inpatient Care Under the Medi-Cal Program or for ATD or OAS in a Federal Medical Institution

.11 Needs During Temporary Period of Care in Facility

Minimum needs based upon the individual's living arrangements prior to admission to the facility are presumed to continue during a temporary period of care in the facility, i.e., during the month of admission and the following month provided a living arrangement outside the facility is being retained by or for the recipient. If, during the temporary period of care in the facility, a living arrangement is being retained in a nonmedical board and care facility, need during the period of absence will be based on the "holding rate" for his room in the nonmedical facility during such absence.

If no living arrangement is being retained outside the facility, need is determined as specified in .13 below, effective the first of the month following admission to the facility.

.12 Temporary Visits Outside Facility

For the purpose of need determination, as provided in .11 above, temporary care is not usually considered to be interrupted by short visits outside the facility (no discharge) or if the discharged patient is readmitted to a similar facility within 10 days after his discharge.

.13 Needs After Temporary Period of Care Expires

If the patient remains in the facility beyond a temporary period, his need thereafter is limited to \$15 a month for needs not provided by the facility. (See Section 40-183 regarding intraprogram status change from cash grant to Medically Needy when the patient's income is such he no longer is eligible to receive a cash grant.)

- .2 Applicant or Recipient is Not a "Patient" in the Medical Facility or Intermediate Care Facility or the Facility is Not Certified to Receive Patients for Inpatient Care Under the Medi-Cal Program

.21 Private Facility

Minimum needs of the applicant or recipient in such facility shall be determined in the same manner as minimum needs of the recipient in nonmedical board and care subject to the limitations set forth in Section 44-209.5

.22 Public Facility

Eligibility to aid does not exist if the facility is public.

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(Pursuant to Government Code Section 11380.1)

44-301 MONEY PAYMENT PRINCIPLE

44-301

AB
ATD
OAS
AFDC

Each individual or family has the right to manage his own affairs; to decide what use of his money, including the aid payment, will best serve his interests; and to make his purchases through the normal channels of exchange, enjoying the same rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program (see Section 30-155.4).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

44-305 AID PAYMENTS - PAYEE AND DELIVERY

44-305

AB
ATD
OAS

.1 To Whom Paid and Delivered

.11 Adult Recipient

The warrant shall be paid only to the adult recipient unless the recipient has a legally appointed guardian or conservator or there is a substitute payee as provided in Section 30-222. In such case, the payment is made to such guardian, conservator or substitute payee.

The warrant is to be delivered only to the payee or otherwise according to the payee's instructions.

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AB
APSB
ATD
OAS

- .21** Regular aid payments to OAS, AB, APSB, and ATD recipients shall be delivered monthly in advance on the first day of the month.

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(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

AB
ATD
OAS

.121 Grant Maximum for Recipients in Nonmedical Board and Care

Maximum grant for recipients classified for nonmedical board and care are limited to needs as specified in Section 44-209.5.

.122 Grant Maximum for Recipients in a Medical or Intermediate Care Facility

Most needs of such recipients are met from the Medi-Cal or Medicare programs or a combination of both. Accordingly, maximum grants for such recipients are limited to minimum need allowances as specified in Section 44-211.

44-315 AMOUNT OF AID (Continued)

44-315

AB
ATD
OAS

- .22 Subtracting the current nonexempt income from total need or, in OAS and AB, from the statutory maximum for the program if the statutory maximum is less than total need. (See Sections 44-311.11 and 44-311.12.)**

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective DEC 15 1972

Section 10-036.42

44-209.6

Determination of Need - Recipient in Intermediate
Care Facility

44-303.34

44-315.4

Recipient in Intermediate Care Living Arrangement

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DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

December 15, 1972

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on December 15, 1972 which became effective on December 15, 1972.

State Department of Social Welfare

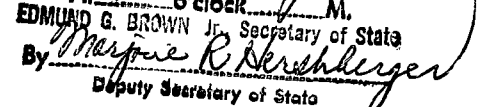
By 
ROBERT B. CARLESON, Director

RECEIVED FOR FILING

DEC 15 1972

Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of California

DEC 15 1972
At 4:35 o'clock P. M.
EDMUND G. BROWN Jr. Secretary of State
By 
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

ENDORSED
APPROVED FOR FILING
Gov. Code 11380.2)
DEC 22 1972

Office of Administrative Hearings

RECEIVED FOR FILING

DEC 22 1972

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 22, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 22 1972

At 1:40 o'clock *a* M.

EDMUND G. BROWN Jr., Secretary of State

By: 

Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-239.264

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Existing EAS Manual Section 44-239.264 provides:

"In exceptional social circumstances the standard is the actual cost up to \$300. When two or more recipients in the same household require attendant services, the allowance in the assistance group to each recipient for such services shall be limited to a maximum of \$200 per month...."

2. A judgment entered by the Superior Court of Sacramento County on November 22, 1972 in an action entitled Joseph Leach v. Robert B. Carleson, No. 221559, declares that the provisions of EAS Manual Section 44-239.264 "are contrary to and conflict with the directive of the Legislature in Welfare and Institutions Code Section 13931 that recipients shall be entitled to aid sufficient to pay for the attendant care which the recipients require in amounts not in excess of \$300 per month."
3. It is necessary to adopt this regulation on an emergency basis to effectuate compliance with the judgment of the Superior Court as soon as possible.

The regulations changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB
ATD
OAS

- .264 In exceptional social circumstances the standard is the actual cost up to \$300. When two or more recipients in the same household require attendant services, no allowance shall be made to any such recipient for a service, such as housekeeping, which benefits any other recipient in the household, to the extent that such service is provided for in the allowance of another such recipient or otherwise.

The total cost of the individual plan shall be carefully weighed in relation to the comparative cost of out-of-home care and the social gains that might be realized in helping the person remain in his own home. A reasonable financial plan shall be assured. Attendant care allowances in excess of \$150 for each recipient shall not be made if the resulting grant would be greater than the cost of the appropriate level of out-of-home care, unless exceptional circumstances warrant such an allowance. Exceptional circumstances shall be limited to the following:

- a. An attendant is needed to provide personal care for more than one recipient in the same household, or to act as a homemaker for a recipient who is an incapacitated parent with one or more children living in the home, or
- b. The recipient has very severe, relatively static disability and requires full-time predominantly personal care, services in addition to those the family are able to provide, or
- c. A person who has lived alone must enter an out-of-home care facility to secure appropriate care but needs a full-time attendant during a short interim period while change is effected in the living plan.

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